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Committee on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Fifth periodic reports of States parties due in 2014

Australia*

[Date received: 1 February 2016]

* The present document is being issued without formal editing.

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** The annexes to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee on Economic, Social and Cultural Rights.

I. Introduction

1. The Australian Government is pleased to present Australia's fifth report under articles 16 and 17 of the Covenant to the Committee on Economic, Social and Cultural Rights (the committee).

2. Australia's fifth periodic report covers the period from 1 July 2009 to 30 June 2014. This report supplements Australia's 2007 Common Core Document and should be read in conjunction with it.

3. This fifth report was prepared in accordance with the committee's guidelines on treaty-specific documents to be submitted by states parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (E/C.12/2008/2).

4. Australia last appeared before the committee in May 2009. The committee issued its concluding observations on Australia's fourth report on 12 June 2009 (E/C.12/AUS/CO/4). This report directly responds to the issues identified in the committee's 2009 concluding observations (E/C.12/AUS/CO/4) as per paragraph six of the committee's guidelines. It also responds to those areas where there have been significant new developments and where information has not already been provided within reports under this covenant or other treaties to which Australia is a party.

5. This report does not duplicate information on those issues addressed in Australia's fourth report under the ICESCR of January 2008 (E/C.12/AUS/4), or Australia's reply to the committee's list of issues of March 2009 (E/C.12/AUS/Q/4/Add.1).

6. The committee is also referred to Australia's 2010 Universal Periodic Review report submitted to the Human Rights Council, the subsequent report of the Human Rights Council's working group delivered in March 2011,[1] and Australia's 2015 Universal Periodic Review report submitted to the Human Rights Council on 4 August 2015. All of these contain information relevant to Australia's implementation of the covenant.

7. Following federal elections held on 7 September 2013, a new Australian Government was constituted on 18 September 2013. Accordingly, key strategies, policies and programs have changed since that date, as have some agency responsibilities and names. These are indicated as appropriate.

Consultation with State and Territory Governments and Civil Society

8. Australia has a federal constitutional system in which powers are shared between federal institutions and the six states (New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania) and three self-governing territories (the Australian Capital Territory, the Northern Territory and the Territory of Norfolk Island). Further information about Australia's political structure is available in Part B of the common core document.

9. Each of the states has its own constitution, a democratically elected parliament, and an independent judiciary. The Australian Capital Territory and Northern Territory have separate democratically elected representatives, administrative institutions and their own systems of courts.

10. As Australia is a federation, while the Australian Government is the State Party to the Covenant, state and territory governments share responsibility for implementing

[1] Reports available at: http://www.ohchr.org/EN/HRBodies/UPR/Pages/AUSession10.aspx.

Australia's obligations under ICESCR. The Australian Government consulted state and territory governments in preparing this report. To provide a complete picture of progressive realisation of ICESCR rights over the reporting period, examples of state and territory policy and programming relevant to the concluding observations in Appendix 1 of this document.

11. A third tier of government in Australia is local government. Local government delivers many municipal services such as the collection of rates and sanitation.

12. The Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia. COAG members include the Prime Minister, state and territory premiers, chief ministers of the Australian Capital Territory and Northern Territory, and the president of the Australian Local Government Association. COAG's role is to promote policy reforms of national significance or which need coordinated action by all levels of Australian governments.

13. COAG has committed to an unprecedented program of reform built on one vision: improving the wellbeing of all Australians, now and into the future.[2] The outcomes of COAG meetings are contained in communiques released at the end of each meeting. Where formal agreements are reached, these may be embodied in intergovernmental agreements, including national agreements and national partnerships.

14. The Australian Government also recognises the importance of involving civil society in the preparation of this report, and has sought submissions from civil society. A list of submissions received from non-governmental organisations and individuals is at Appendix 2. These were taken into consideration in preparing this document.

Concluding Observation 37 – Follow-up and dissemination

15. The committee's 2009 concluding observations, which are directly addressed by this report, were widely disseminated by Australian governments. In March 2010, they were also disseminated to all state, territory and federal government agencies. A range of non-government organisations were also invited to comment at that time.

16. The Australian Government has made this report publicly available on the Department of Foreign Affairs and Trade (DFAT) website. Electronic copies have been distributed to state and territory governments, federal government agencies, the Australian Human Rights Commission (AHRC), civil society groups, the private sector and interested members of the public.

17. The following measures constitute Australia's implementation of the dissemination of any further concluding observations based on this report and Australia's upcoming appearance. DFAT will publish any further concluding observations on its website and will request external stakeholders do the same, making the observations available to members and the public. DFAT will host a meeting with federal government agencies and state and territory governments to discuss the committee's concerns and recommendations. The views of the AHRC, state and territory statutory office holders, civil society groups, interested members of the public and other stakeholders will also be sought.

18. Consistent with the committee's 2006 reporting guidelines, Australia's mission to the United Nations in Geneva is the nominated point of liaison with the committee's follow-up coordinator.[3]

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[2] Further information on COAG and the reform agenda available at: www.coag.gov.au/reform_agenda

[3] The Mission's contact details are: Chemin des Fins 2, Case Postale 102, 1211 Geneva 19. Phone: 022 799 9100. Fax: 022 799 9178.

19. The Australian Government is committed to the effective operation of the United Nations human rights treaty system and looks forward to the committee's consideration of this report.

General Information about Australia

20. Australia is a stable, democratic and culturally diverse nation with a highly skilled workforce and one of the strongest performing economies in the world in terms of income per person.

21. Further general information about Australia's population (including indigenous peoples and migration), cultural and linguistic diversity, economy, education and health systems, and national media has been included at Appendix 3 to provide the committee with additional context on contemporary Australia.

II. Response to the concluding observations and recommendations of the Committee on Economic, Social and Cultural Rights

Concluding Observation 10 – National Human Rights Consultations

22. Economic, social and cultural rights were considered as part of the National Human Rights Consultation, which was commissioned by the former government. This is reflected in the resulting report and recommendations. The report notes the need to protect and promote these economic, social and cultural rights and recommends that these be included in any potential legislative framework for human rights in Australia.

23. Australia's legal framework also ensures that these rights are considered during the development and scrutiny of legislation in the Commonwealth Parliament. The response to Concluding Observation 11 outlines this process in greater detail.

Concluding Observation 11 – Incorporating the Covenant into Domestic Law

24. Obligations in the ICESCR can be implemented through a range of means, including legislation. The approach taken by successive Australian Governments has generally been to ensure that Australia's domestic legislation, policy and practice are consistent with Australia's international human rights obligations.

25. The Human Rights (Parliamentary Scrutiny) Act 2011 commenced on 4 January 2012. It requires that all legislation introduced into the Australian Parliament be accompanied by a statement setting out its consistency with Australia's obligations under the seven core United Nations human rights treaties to which Australia is a party, including ICESCR.

26. Australia is one of the few countries to explicitly require consideration of economic, social and cultural rights in Statements of Compatibility with human rights.

27. The Act also requires the establishment of a Parliamentary Joint Committee on Human Rights (PJCHR) in the Australian Parliament. This occurred in March 2012. The PJCHR considers the compatibility of new and existing legislation with human rights, including rights in ICESCR. It may undertake inquiries on matters related to human rights which are referred to it by the Attorney-General. The PJCHR also plays an educative role, which includes raising public awareness of human rights. Since its establishment, the

PJCHR has tabled numerous reports examining the compatibility of legislation introduced into the Parliament, including for consistency with ICESCR.[4]

Concluding Observation 12 – Official Development Assistance

28. Australia continues to be a generous aid donor with a responsible, affordable and sustainable aid budget. The Australian aid program focuses on ways to drive economic growth in developing nations and create pathways out of poverty.

29. To achieve this, Australia invests heavily in education and health, disaster risk reduction and humanitarian crises. All investments address women's empowerment.

Concluding Observation 13 – Australian Human Rights Commission (AHRC)

30. In 2011 the AHRC was accredited as fully compliant ("A" Status) with the Paris Principles of 1993 and recognised internationally as an "A status" national human rights institution with broad functions across a range of international human rights instruments.

31. The AHRC exercises functions in relation to the following treaties and declarations:

- International Covenant on Civil and Political Rights
- Convention on the Rights of Persons with Disabilities
- Convention on the Rights of the Child
- Declaration of the Rights of the Child
- Declaration on the Rights of Disabled Persons
- Declaration on the Rights of Mentally Retarded Persons and
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

32. In addition, the Aboriginal and Torres Strait Islander Social Justice Commissioner has specific functions under the Australian Human Rights Commission Act 1986 (Cth) and the Native Title Act 1993 (Cth) to monitor the human rights of Indigenous people and has functions under the Convention Concerning Discrimination in Respect of Employment and Occupation (ILO 111).

Concluding Observation 14 – Anti-Discrimination Laws

33. Under Commonwealth law, the prohibited grounds for discrimination are set out in the Racial Discrimination Act 1975 (Cth), the Sex Discrimination Act 1984 (Cth), the Disability Discrimination Act 1992 (Cth) and the Age Discrimination Act 2004 (Cth).

- The Racial Discrimination Act 1975 (Cth) makes it unlawful to discriminate on the basis of race, colour or national or ethnic origin in any field of public life and prohibits racial hatred.
- The Sex Discrimination Act 1984 (Cth) makes it unlawful to discriminate on grounds of sex, sexual orientation, gender identity, intersex status, marital or

[4] Joint Committee reports, available at: http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights

relationship status, pregnancy, breastfeeding or family responsibilities. It also includes provision for special measures to promote gender equality and protections from sexual harassment.

- The Disability Discrimination Act 1992 (Cth) makes discrimination on the grounds of disability unlawful in work, education and other areas of public life, and makes it unlawful to contravene disability standards.
- The Age Discrimination Act 2004 (Cth) makes it unlawful to discriminate on the grounds of age in work and other areas of public life. The Act also provides for exemptions and positive discrimination in particular circumstances. For example, the provision of assistance to people of certain ages may be permitted to remove or reduce barriers to participation of particular age groups in society.

34. The Australian Human Rights Commission Act 1986 (Cth) also provides a separate equal opportunity in employment complaints process for a number of attributes that are not otherwise protected by the anti-discrimination Acts. This process gives effect to Australia's obligations under International Labour Organization Convention No. 111 (schedule one to the Australian Human Rights Commission Act). Although this process does not include the option to proceed to the federal courts, complaints of Convention No. 111 discrimination can be conciliated and inquired into by the AHRC. Where discrimination is found, the commission prepares a report for the Attorney-General that is tabled in Parliament. Additional grounds of discrimination recognised under this regime include religion, political opinion, criminal record, and trade union activity.

35. Australian, state and territory governments have also enacted legislation that provides additional protections from discrimination. This includes:

Australian Capital Territory	Human Rights Act 2004
	Discrimination Act 1991
New South Wales	Anti-Discrimination Act 1977
	Anti-Discrimination Amendment (Carers' Responsibilities) Act 2000[5]
Northern Territory	Anti-Discrimination Act 1992
Queensland	Anti-Discrimination Act 1991
South Australia	Equal Opportunity Act 1984
Tasmania	Anti-Discrimination Act 1998
Victoria	Equal Opportunity Act 2010
	Racial and Religious Tolerance Act 2001
	Charter of Human Rights and Responsibilities Act 2006
Western Australia	Equal Opportunity Act 1984

[5] The *Anti-Discrimination Amendment (Carers' Responsibilities) Act 2000* (NSW) makes it unlawful to discriminate on grounds of a person's responsibilities as a carer, in respect of employment.

Concluding Observation 15 – Northern Territory Intervention Response

36. The committee is referred to Australia's combined 18th–20th periodic report under the Convention on the Elimination of all Forms of Racial Discrimination (CERD), specifically Concluding Observation 16 and Supplementary Observations (Northern Territory Emergency Response and Income Management), Concluding Observations 15 and 26 (Indigenous recognition and reconciliation) and Concluding Observation 18 (Legislative reforms to the Native Title Act 1993 (Cth), Burden of Proof and Mechanisms for Effective Consultations with Indigenous Peoples).

37. Ratification of International Labour Organization Convention 169 (Indigenous and Tribal Peoples Convention, 1989) is not a priority for the Australian Government at this time.

38. The government has a clear reform agenda that focuses on delivering practical assistance to Australia's Indigenous people. The Australian Government consults Indigenous people in a variety of ways, and will continue consulting with state and territory governments, Indigenous leaders and communities while continuing to improve outcomes on the ground for Indigenous Australians.

Concluding Observation 16 – Persons with Disabilities

Disability Reform Agenda

39. The Australian Government's disability reform agenda is delivering fundamental changes in our society to improve the lives of people with disability, their families and carers. It works closely with state and territory governments to achieve this through the National Disability Strategy 2010-2020 and the National Disability Insurance Scheme. The Disability Discrimination Act 1992 (Cth) (the DDA) offers important protections from discrimination for people with disability at the federal level. All states and territories also have legislation providing remedies for disability discrimination.

40. Australia's National Disability Strategy 2010-2020, agreed by all governments in 2011, is the framework for driving disability reform within Australia. The strategy provides a more inclusive approach to the design of policies, programs and infrastructure so that people with disability can participate in all areas of Australian life.

41. Improving access to buildings, transport, social events, education, employment and health care will contribute to ensuring that people with disability have equal opportunities to fulfil their potential. The first phase of implementation, "Laying the groundwork 2011-2014", is driving reform in the planning and delivery of both mainstream and disability specific services across key portfolios.

42. Australia's commitment to people with disability also continues with its signature reform, the National Disability Insurance Scheme. This provides lifetime support to improve outcomes for people with disability and their carers. It commenced in four trial sites across Australia on 1 July 2013. As at 30 June 2014 there were 7,316 participants with an average package cost of $38,200. Three further trial sites commenced on 1 July 2014, and by July 2019 the scheme will be in all states and territories except Western Australia.[6]

43. Once fully rolled out, the scheme will support more than 460,000 people who have a significant and permanent disability to choose their support and providers at an expected

[6] Western Australia is "yet to agree" to a full NDIS scheme.

cost of $22 billion a year. It will enable greater choice and control over the support people need to achieve their goals and aspirations for social and economic participation.

Migration and Visas Issues

44. In ratifying the Convention on the Rights of Persons with Disabilities, Australia set out its understanding that article 18 of that Convention does not affect Australia's health requirements for non-nationals seeking to enter or remain in Australia where these are based on legitimate, objective and reasonable criteria in an interpretative declaration.

45. Applicants for visas to which the health requirement applies must meet this requirement in order to be granted a visa – regardless of whether they are identified as having a disability or a disease.[7] There is no explicit focus on disability as a basis for excluding applicants. Applicants identified as having a significant medical condition will be assessed by a Medical Officer of the Commonwealth to determine whether they meet the health requirement. If an applicant is found not to meet the health requirement, for a small number of visas (primarily, offshore humanitarian, some family and some skilled visas) there is discretion to waive the health requirement if the health care and community services costs or access to services in short supply are not considered to be "undue".

46. In June 2010, the Joint Standing Committee on Migration finalised an inquiry into the migration treatment of disability. This considered how applicants for an Australian visa who have a disability are assessed against the health requirement – and, in particular, how health and community costs associated with disability are assessed. The inquiry called for reform of the visa health requirement so the assessment was more flexible, transparent and capable of weighing an individual's assessed health costs against their likely economic or social contribution to Australia.[8]

47. One of the recommendations implemented (June 2012) was a streamlined approach to assessing health waivers for offshore humanitarian visa applicants. Under the revised policy arrangements, health or community service costs associated with a disability or medical condition are no longer considered "undue" for humanitarian visa applicants – with the health requirement to be waived unless the applicant is identified as requiring access to services in short supply. This approach has resulted in more efficient visa assessment.

48. The committee's recommendation (number 4) to assess diseases and medical conditions separately from conditions associated with disability was not supported. The current method of assessing whether visa applicants meet the visa health requirement does not discriminate between applicants who have disability, disease or both, with all applicants being treated equally and fairly.

49. There are some similarities in the ICESCR Observation 16 recommendation and the Joint Standing Committee's recommendation that sought the "review of the DDA with particular reference to the section 52 migration exemption, to determine its legal implications for migration administration and conduct expert consultations on its impact on people with disability". This recommendation was not supported on the basis that section 52 of the DDA has been sufficiently reviewed and amended to ensure that those with disability are treated fairly.

50. Ongoing monitoring of the health requirement legislation and policy ensure that any improvements in visa applicant health assessments will complement and support the

[7] Health requirements do not apply to most short-stay visas.

[8] The committee's inquiry and the response of the previous government available at: www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=mig/disability/report.htm . Of the 18 committee recommendations, eight have been implemented while a further six have been supported in principle.

objectives of the permanent and temporary visa program while continuing to meet the health requirement purpose of:

- Protecting the Australian community from public health and safety risks, particularly active tuberculosis
- Containing public expenditure on health and community services, including social security benefits, allowances and pensions
- Safeguarding access of Australian citizens and permanent residents to health care and community services in short supply

51. The Australian social security system is based on concepts of residence and need. Generally, social security payments are only available to Australian residents – that is, people who reside in Australia and have permission to remain permanently.

52. Most income support payments have a two-year newly arrived residence waiting period and some pensions, such as the Age Pension and Disability Support Pension (DSP), have a 10-year qualifying residence requirement. The qualifying residence requirement aims to ensure that only people who have established long-term connections with Australia are able to access the Age Pension and DSP. However, if a DSP claimant's continuing inability to work first occurred in Australia, when the person held a permanent visa, they are exempt from the 10-year requirement for DSP.

Concluding Observation 17 – Gender Gap

53. The committee is referred to Appendix 1 for state and territory policies and programing under Concluding Observation 17.

54. The Australian Government is continuing its work to improve women's empowerment. In 2013, it relocated the Office for Women to the Department of the Prime Minister and Cabinet. This will ensure a whole-of-government approach to providing better economic and social outcomes for women and mainstreaming gender policy.

55. There remains a pay gap between working men and women in Australia. There are a number of methods used to measure the country's gender pay gap. Careful consideration is needed when using data for gender comparisons, as many factors other than gender can influence the observed differences in average earnings between males and females (for example, labour market participation, hours worked, industry and occupation).

56. The Australian Bureau of Statistics' (ABS) biennial Employee Earnings and Hours (EEH) published data (Cat No. 6306.0) reports on hourly rates of pay. EEH shows a gap of 12.1% between male and female full-time employees in May 2014. An alternative method is using Average Weekly Earnings (AWE) trend data (Cat No. 6302.0) which show a gender pay gap of 18.8% between male and female full-time employees' weekly ordinary time earnings in May 2014.

57. The relative size of women's superannuation balances relative to men's is rising and latest data is that women's average superannuation balances are 65% of men's.

58. Improving Australia's gender pay gap is a complex matter and cannot be addressed by government alone. The AHRC found in 2014 that 49% of women and 27% of men have experienced discrimination at work around pregnancy, during parental leave or when they

return to work.[9] The AHRC will deliver resources for employers on how to best manage and support working parents.

59. The Fair Work Act 2009 (Cth) provides a mechanism for delivering pay equity between women and men. An individual or group of workers in the same sector may apply for an order from the Fair Work Commission (formerly Fair Work Australia) providing them with equal remuneration for work of equal or comparable value. The Fair Work Act does not require an applicant to demonstrate evidence of sex-based discrimination by their employer in setting remuneration.

60. There has been one successful case under the equal remuneration provisions of the Fair Work Act. On 1 February 2012, the Fair Work Commission handed down its decision for an Equal Remuneration Order in the social and community services industry. The order provides wage increases of between 23% and 45%, paid in ten instalments over the next nine years for eligible participants in the mostly female workforce.

61. Addressing gender equality more broadly — including through increasing women in leadership roles, the number of women in non-traditional jobs and government policies that support women's workforce participation — will be important levers to address the gender pay gap over the longer term.

62. In keeping with our G20 commitment, the Australian Government aims to reduce the gap between male and female labour force participation rates by 25% by 2025. Much of the major building blocks are already in place to promote women's economic empowerment, including excellent levels of educational attainment, access to childcare and paid parental leave, and a strong legal and industrial system that supports worker protections and workplace flexibility.

63. The Sex Discrimination Act 1984 (Cth) promotes equality between women and men. It protects people from unfair treatment in the area of work and other areas of public life on the basis of their sex, sexual orientation, gender identity, intersex status, marital or relationship status, family responsibilities, pregnancy and breastfeeding. It also prohibits sexual harassment.

64. The Sex Discrimination Act was amended in 2011 and 2013 to implement a number of recommendations of the Standing Committee on Legal and Constitutional Affairs' 2008 Inquiry into the effectiveness of the Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality. These amendments:

- Extended protection from direct discrimination on the grounds of family responsibilities to both women and men in all areas of work
- Provided greater protection from sexual harassment for students and workers
- Ensured that protections from sex discrimination apply equally to women and men
- Established breastfeeding as a separate ground of discrimination
- Extended protection from discrimination to the new grounds of sexual orientation, gender identity and intersex status, and extended the existing ground of "marital status" to "marital or relationship status" to provide protection from discrimination for same-sex de facto couples

65. The National Employment Standards enable both parents to access separate periods of up to 12 months unpaid parental leave. They also give employees the right to request flexible working arrangements if they are the parent or guardian of a child who is school

[9] Australian Human Rights Commission, *Supporting Working Parents: Pregnancy and Return to Work National Review – Report (2014)*, available at: https://www.humanrights.gov.au/our-work/sex-discrimination/publications/supporting-working-parents-pregnancy-and-return-work.

age or younger, a carer, have a disability, are 55 or older, or are experiencing family or domestic violence (or caring for an immediate family or household member who is experiencing family or domestic violence).

66. The Workplace Gender Equality Act 2012 (Cth) was previously known as the Equal Opportunity for Women in the Workplace Act 1999. It was renamed and refocused to promote and improve gender equality and outcomes for women and men in the workplace.

67. The Australian Government's Workplace Gender Equality Agency supports and encourages diversity and flexibility in the workplace through a reporting framework for employers that include the use of part-time hours and other flexible work arrangements. The agency also advises and supports employers on the use of flexible work arrangements, and promotes business best practice through the Employer of Choice Citations.

68. Improving gender diversity in leadership and decision-making roles is also important for improving wage outcomes for women. The Australian Government is committed to ensuring opportunities for women's leadership, engagement with government and participation in all aspects of Australian society.

69. The Honourable Julia Gillard became Australia's first female Prime Minister in 2010. Australia's first female Attorney-General, Nicola Roxon, was appointed in 2011, and our first female Governor-General, Dame Quentin Bryce AD CVG, completed her term in office in March 2014. The Australian Government appointed the Honourable Julie Bishop MP as Australia's first female Minister for Foreign Affairs in September 2013.

70. The representation of women in Australia's parliaments is around 30%, with variations between jurisdictions and between lower and upper houses. Federally, there is a marked difference between representation of women in the Senate (38.2%) and the House of Representatives (26.7%).[10]

Concluding Observation 18 – Employment

71. The committee is referred to Appendix 1 for state and territory policies and programing under Concluding Observation 18.

72. The committee is also referred to Appendix 4 for supplementary data and material relevant to articles 6 and 7 of ICESCR including: labour market data; reporting on significant new policy and programming outside the reporting period; and a discussion of issues facing mature aged workers.

Employment Services 2015

73. The Australian Government's employment services system during the reporting period was Job Services Australia. The current contract for Job Services Australia expires on 30 June 2015. The Australian Government is investing $5.1 billion over three years from 2015-16 to implement new employment services arrangements that will commence from 1 July 2015.

74. The new Employment Services 2015 model, jobactive, will improve employment assistance for eligible job seekers. It includes a new mix of incentives, services and payments to ensure high quality services from providers. There are also wage subsidies to encourage employers to hire, train and retain job seekers.

[10] McCann, J. & Wilson, J., *Representation of Women in Australian Parliaments 2014*, Parliamentary Library Research Paper Series, 2014-15, pp. 4-5, available at: http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/WomanAustParl.

75. While outside the reporting period the roll-out of jobactive is a significant development in employment services, and therefore further information on jobactive is included in Appendix 4.

Employment Systems and Services

76. All employees have the right to be treated fairly at work and respected for their contribution to the workplace. The Australian national workplace relations system establishes a safety net of minimum terms and conditions of employment and a range of other workplace rights and responsibilities. Bodies established under the workplace relations system include the Fair Work Commission (formerly Fair Work Australia), Fair Work Ombudsman and Fair Work Building and Construction. The Federal Court of Australia and the Federal Circuit Court of Australia also deal with workplace relations.

77. The government's employment services system during the reporting period was Job Services Australia. It provided a flexible targeted assistance and a better pathway to employment for all eligible job seekers, including Indigenous Australians, migrants and individuals assessed as refugees, people with disability and the mature aged. As well as job search support and work experience, Job Services Australia provided access to training and skills development, including wage subsidies and post-employment support. Job seekers were put into four streams which relates to level of disadvantage: stream 4 job seekers being the most disadvantaged. Higher levels of assistance were targeted to job seekers with higher levels of disadvantage.

Indigenous Australians

78. The committee is referred to Australia's combined 18th–20th periodic report under CERD, specifically Concluding Observation 22 (Eradicating Socio-Economic Disparities, Cultural Appropriateness of Public Service Delivery, Indigenous Self-Empowerment).

79. Improving rates of Indigenous employment is an Australian Government priority. Job Services Australia was part of the government's commitment to halving the employment gap between Indigenous and non-Indigenous Australians within a decade, and providers offered specialist Indigenous employment services. At the end of 2014, there were around 74,000 Indigenous job seekers participating in Job Services Australia (around 9% of the service's total job seekers).

80. As well as job search support and work experience, Indigenous and other job seekers have access to training and skills development including accredited training and other help suited to their needs. Under Job Services Australia, a job seeker was assigned to one of four service streams based on their assessed level of relative labour market disadvantage. Those in the highest steams (streams 3 and 4) receive the most assistance. Around 66% of Indigenous job seekers receive assistance in streams 3 and 4. This indicates that Job Services Australia was ensuring that the most disadvantaged job seekers received a high share of assistance commensurate to their level of disadvantage.

81. The Indigenous Mentoring pilot operated from July 2012 to June 2015 and involved Job Services Australia providers delivering culturally appropriate mentoring support for Indigenous job seekers and workers. Assistance provided under the pilot includes pre-placement support as well as ongoing mentoring for up to 26 weeks after the job seeker begins work. The pilot aimed to determine if dedicated ongoing mentoring support would help improve retention rates for Indigenous workers.

82. The Remote Jobs and Communities Program (RJCP) commenced on 1 July 2013 in 60 remote regions.[11] It provided employment and participation services to around 37,000 job seekers, approximately 83% of whom were Indigenous Australians.[12] The program provided a more integrated and flexible service to people in remote Australia and helped build sustainable communities. Employment and participation activities were tailored to individual circumstances to reduce employment barriers and help job seekers retain jobs.

83. In December 2014, changes were announced to the RJCP to address unemployment faced by job seekers in remote communities. These changes included:

- Continuous Work for the Dole for all job seekers aged between 18 and 49 years
- Funding to develop intermediate labour markets
- A simplified provider payments model that focuses on active participation and sustainable jobs
- Reducing red tape to allow providers more time to service job seekers and
- No training for training sake, with training needing to be linked to real job opportunities

84. The Australian Government is reforming the RJCP (to be renamed the Community Development Programme) to deliver better opportunities for remote job-seekers and foster stronger economic and social outcomes in remote Australia. The reforms, introduced on 1 July 2015, will: engage job seekers in work-like activities so they are active and contributing to their communities; provide stronger incentives for employment services providers and employers to retain job seekers in lasting employment; and fund new enterprises that provide jobs and work experience opportunities in remote communities.

85. Under the reforms, all adults between 18 and 49 years who are not in work or study are required to undertake work-like activities for up to 25 hours per week, depending on their assessed capacity to work. The national Job Seeker Compliance Framework and mutual obligations apply to most job seekers, including RJCP job seekers. The participation requirements for RJCP are designed to reflect the unique labour market environment in remote Australia.

86. As in workplaces, there will be times when five days a week for the full 52 weeks a year is impractical. Job seekers will be allowed time off for caring or cultural responsibilities and during provider shut-down periods and public holidays such as Christmas and Easter (as relevant).

Asylum Seekers and Migrants

87. At the end of 2014, there were around 148,800 job seekers from culturally and linguistically diverse backgrounds participating in Job Services Australia (around 19% of the total number of job seekers in Job Services Australia).

88. The eligibility of migrants for government employment services and income support is dependent on their migration status. Generally, asylum seekers were not eligible for Job Services Australia while they were detained and their migration status was being determined. However, once a person was granted a protection visa they were eligible for the full range of Job Services Australia assistance and also income support. Humanitarian

[11] The Remote Jobs and Communities Program replaced the Community Development Employment Projects program, Job Services Australia, Disability Employment Services and the Indigenous Employment Program in remote Australia.

[12] At 3 September 2014.

entrants (refugees) are eligible for the full range of Job Services Australia assistance, and also income support, from the date of their arrival in Australia.

89. Since 1 July 2014, illegal maritime arrivals who are owed protection and have work rights (for example, because they hold a temporary protection visa), have been eligible to participate in employment services and also have mutual obligation requirements in return for receiving income support. They could access the full range of employment assistance through Job Services Australia in line with their individually assessed level of relative labour market disadvantage. Assistance could include job search support and work experience, training and skills development including accredited training and other help suited to their needs.

90. As with any other job seeker with a right to work in Australia, asylum seekers on bridging visas with a work right were eligible for support through Job Services Australia including assistance to prepare a résumé, information about local skills shortages and job opportunities, and ongoing access to job search facilities (Stream 1 (limited) services).

91. People who entered Australia as part of the skilled migration or family reunion programs are subject to a two-year waiting period before being fully eligible for Job Services Australia. During the waiting period they could access support through Job Services Australia including assistance to prepare a résumé, information about local skills shortages and job opportunities and ongoing access to job search facilities (Stream 1 (Limited) services).

92. All Job Services Australia job seekers were able to access translation and interpreter services. While all Job Services Australia providers were required to provide tailored services to meet the individual needs of all job seekers, six Job Services Australia providers offered culturally and linguistically diverse or refugee specialist services in 2014.

Persons with Disabilities

93. The committee is referred to Australia's first periodic report under the Convention on the Rights of Persons with Disabilities, specifically Article 27 (Work and Employment). The committee is also referred to the discussions under Concluding Observation 16 (above).

94. There are a significant number of job seekers with disability who received the assistance of Job Services Australia. At the end of 2014, around 215,000 people with disability were being assisted (around 27% of the total number of job seekers).

95. People with injury, disability or a health condition who are receiving Disability Support Pension are assisted by the Australian Government's Disability Employment Services administered by the Department of Social Services. This service helps job seekers with disability, injury or a health condition who need a job or occasional support to keep a job, as well as people with permanent disability who need regular, ongoing support to keep a job.

Workplace Relations (Compliance) – Fair Work Ombudsman

96. The Fair Work Ombudsman is established by the Fair Work Act 2009 (Cth) and is responsible for providing education, assistance and advice about the Commonwealth workplace relations system. The agency is also responsible for impartially enforcing the Fair Work Act and related instruments.

97. The Ombudsman treats allegations in relation to vulnerable workers seriously. The Ombudsman has implemented strategies to respond to the specific challenges faced by workers whose characteristics make them vulnerable to exploitation. It also identifies and monitors sectors of the economy that employ vulnerable workers.

98. The Ombudsman educates workers from culturally and linguistically diverse backgrounds about their workplace rights and entitlements through free services including:

- Translations
- YouTube videos on working in Australia that appear in 14 languages
- Presentations on Ombudsman services to international students
- A fact sheet on the rights of 457 visa holders available on both the Ombudsman's and Department of Immigration and Border Protection's websites and
- Multi-language posters and brochures distributed to Migrant Resource Centres and community groups across the country

99. The Ombudsman has a dedicated overseas workers team with primary responsibility for monitoring, promoting and ensuring employer compliance with the Fair Work Act. This is achieved through targeted education and compliance activities in areas or industries identified as employing high numbers of seasonal and migrant workers.

100. In August 2013, the Fair Work Ombudsman commenced a three year Harvest Trail campaign to raise awareness of obligations under the Horticulture Award 2010. The campaign involved a series of education and compliance activities designed to drive behavioural change and ensure compliance across the horticultural industry.[13] It has improved the Ombudsman's understanding of the drivers of non-compliance with workplace laws in this sector, particularly with the engagement of visa holders.

101. The Ombudsman is also examining supply chains to identify non-compliance and is advising growers on how to ensure labour suppliers are compliant with workplace laws.

Enforcement

102. The Fair Work Ombudsman takes enforcement activity where appropriate to achieve compliance with the law, deter wrongdoing and remove barriers to employment. In accordance with its litigation policy, the Ombudsman prioritises litigating matters involving vulnerable employees to enhance general deterrence in the community. Between 1 July 2010 and 30 September 2014, the Fair Work Ombudsman initiated litigation in 48 matters involving migrant workers.

> On 7 August 2014, the Federal Court ordered combined penalties totalling $90,000 against the owners and operators of a company and ordered back pay totalling $177,077.59 for 359 employees. The employees were engaged on various visas, with the majority paid flat rates of pay. The employees worked for 11 different entities purporting to provide labour hire services to the company across 11 sites. The Federal Court found that the establishment of the labour hire companies made enforcement of award obligations more difficult.

103. The Ombudsman works to educate the community about the discrimination protections under the Fair Work Act 2009 (Cth). Since 2010, two matters have been litigated and three enforceable undertakings executed in relation to disability discrimination.

[13] The fruit and vegetable growing sector represents a large employer in regional Australia and attracts many workers on working holiday visas.

Employers received a strong message that discrimination in the workplace will not be tolerated when the Federal Circuit Court imposed penalties of $123,690 against a company and its directors. The court found that the disability discrimination provisions of the Fair Work Act had been breached by the employer that underpaid its part-time receptionist because of her disability. The employee performed a month of unpaid training and was paid flat rates of pay below the award, while the employers received a wage subsidy through a support program.

Concluding Observation 19 – Workers' Rights

104. The Fair Work Act 2009 (Cth) was introduced by the previous Australian Government following consultation with peak union and employer groups, and state and territory governments. The industrial action provisions of the Act largely reflect arrangements that existed under predecessor legislation governing the national workplace relations system. The industrial action framework is intended to balance the right of workers to take industrial action in the pursuit of bargaining claims and the need to protect life and economic stability in a manner that is appropriate to Australia's national conditions.

105. The Fair Work Act permits employees to engage in protected industrial action in support of claims for an enterprise agreement. Industrial action must comply with other criteria including that it has been authorised by a secret ballot and is not taken in pursuit of pattern bargaining or a multi-enterprise agreement. Industrial action protected under the Act is largely immune from civil liability.

106. The Australian Government considers that secret ballot provisions are appropriate and allow employees to genuinely exercise freedom of association when voting to take protected industrial action. The Fair Work Act does not require a majority of employees who will be covered by a proposed enterprise agreement to vote in favour of industrial action for the action to be protected.

107. Matters that "pertain" to the employment relationship and can be included in enterprise agreements that have evolved over time in line with changing community understandings and expectations. This formula aims to ensure that bargaining is focused on matters relating to employers' relationships with their employees and representative organisations, and that industrial action is not taken in pursuit of extraneous matters outside the sphere of those relationships.

108. The Fair Work Act focuses on bargaining at the enterprise level but it does not prevent employers and their employees (and their representatives) from engaging in discussions at either the enterprise or industry level on terms and conditions of employment. Employees can take industrial action in negotiations for a single-enterprise agreement, including negotiations with single interest employers. The Australian Government considers it appropriate that industrial action is not available for multi-enterprise agreements to ensure that the voluntary nature of such bargaining is maintained.

109. The Fair Work Act does not allow industrial action to be taken in pursuit of pattern bargaining, but making common claims across multiple workplaces is not regarded as pattern bargaining provided that the bargaining representative is willing to negotiate at the enterprise level.

110. The Building and Construction Industry (Transition to Fair Work) Act 2012 (Cth) commenced on 1 June 2012. This Act significantly amended the Building and Construction Industry Improvement Act 2005 (Cth) and renamed it the Fair Work (Building Industry) Act 2012. It abolished the Office of the Australian Building and Construction Commissioner, removed a range of industry specific regulation, reduced the penalties for

building workers and removed the broader circumstances under which industrial action in the building industry attracted penalties.

111. The Australian Government introduced legislation to re-establish the Australian Building and Construction Commission on 14 November 2013. The Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 passed the House of Representatives on 12 December 2013. These seek to eliminate lawlessness, intimidation, breaches of freedom of association and coercion on building sites. The Bills are currently before the Senate.

112. From 20 May 2015, the Construction Industry Amendment (Protecting Witnesses) Act 2015 (Cth) amended the Fair Work (Building Industry) Act 2012 (Cth) to extend the period during which the Director of the Fair Work Building Industry Inspectorate can apply to a nominated Administrative Appeals Tribunal Presidential Member for an examination notice by a further two years (until 1 June 2017). The Fair Work Building Industry Act includes significant safeguards and immunities given to a witness over their evidence.

Concluding Observation 20 – Social Security Measures

113. The committee is referred to Australia's combined 18th-20th periodic report under CERD, specifically Concluding Observation 16 and Supplementary Observations (Northern Territory Emergency Response and income management).

114. Australia's emphasis on poverty alleviation means that Australia has one of the most targeted and redistributive transfer systems in the OECD. This is largely because of the unique nature of the income support system. Australia has a flat rate structure that does not take into account previous earnings and is financed from general government revenue. Coverage of the system is universal and assistance is generally not time limited.

115. Australia gives over twelve times more in transfer payments to the poorest fifth of households than to the wealthiest fifth of households. OCED data shows that Australia's social security system is particularly effective in targeting payments to the lowest income households (see Appendix 5).

116. Australia's social security system is means tested and residence based. It is designed to provide income support to people who, for reasons such as age, unemployment or ill health, are unable to fully support themselves. It aims to support the basic living standards of all Australians and increase their social and economic participation. Payments are targeted, and income and assets tests apply to ensure that funds are directed to those in most need. Payment rates are indexed regularly to maintain their purchasing power. The system is designed to provide incentives for those who are able and willing to work through measures that build individual and family capability.

117. Australia has an extensive system of supplementary welfare payments to further support an adequate standard of living. These include: direct cash assistance for low to middle income families; a maternity allowance; and assistance with childcare costs.

118. Free or reduced price government housing, health and welfare services are also provided for disadvantaged individuals and families. These include:

- Pharmaceuticals at concessional rates
- Exemptions from health care levies
- Rental concessions to low-income households in public housing
- Local government services at reduced rates and
- Concessions for travel on state-owned transport

119. Eligibility for social security payments is based on meeting residency, need and age criteria. If granted permanent residency under Australia's refugee and humanitarian programme, migrants are eligible for the same social security benefits as any other Australian permanent resident or citizen in the same circumstances. There are also a very small number of temporary visas, generally for humanitarian purposes, which allow access to limited social security assistance.

120. Special Benefit provides assistance for people in severe financial need due to circumstances outside their control who have no other means of support and for whom no other benefit is available.[14] Applicants can be an Australian resident or holders of specified visa types including certain temporary visas.[15]

121. Information about the characteristics of transfer payment recipients is published regularly. The latest report, which includes point in time and trend data, is available online.[16]

122. The concept of mutual obligation refers to the general principle that it is fair and reasonable to expect unemployed people receiving income support to do their best to find work. This includes undertaking activities that will improve their skills and increase their employment prospects and, in some circumstances, contribute something to their community in return for receiving social security payments and entitlements. This concept builds upon the notion that unemployed people have an obligation to seek work in return for social security payments – an enduring aspect of the Australian social security system.

123. Penalties for failure to meet mutual obligation requirements may temporarily limit access to social security for a small number of deliberately non-compliant job seekers. However, such penalties are a deterrent to job seekers refusing work or failing to meet their mutual obligation requirements.

124. Ratification of International Labour Organization Convention 102 is not under consideration by the Australian Government. While not technically compliant, Australia's social security systems are consistent with the spirit of Convention 102. Moreover, the methods of calculating social security benefits provided for in Convention 102 are prescriptive and complex. They do not provide the flexibility for member states to determine the value of benefits in other ways, which are still consistent with the principle of providing a decent safety net, while not removing incentives to participate in paid work.

Concluding Observation 21 – Paid Maternity Leave

125. Australia acknowledges that paid parental leave policies — for both men and women — are critical for them to be able to achieve their career and family ambitions.

126. Australia's first national Paid Parental Leave scheme was introduced on 1 January 2011. Under the scheme, eligible working parents receive government-funded pay when they take time off from work to care for a newborn or recently adopted child. Full-time, part-time, casual, seasonal, contract and self-employed workers are eligible. The Paid Parental Leave scheme provides two payments: Parental Leave Pay, and Dad and Partner Pay.

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[14] Further information on Australian Government Benefits and Services is available at: http://www.australia.gov.au/information-and-services/benefits-and-payments.

[15] The Australian Government publishes online a Guide to Social Security Law for eligible visa types; available at http://guides.dss.gov.au/guide-social-security-law/3/7/1/10.

[16] Available at: https://www.dss.gov.au/about-the-department/publications-articles/research-publications/statistical-paper-series/statistical-paper-no-12-income-support-customers-a-statistical-overview-2013.

127. Parental Leave Pay is paid to eligible working parents for children born or adopted after 1 January 2011. It provides primary carers (mainly birth mothers) with up to 18 weeks pay based on the rate of the national minimum wage, which was approximately $622 a week before tax in June 2014. Dad and Partner Pay provides eligible working fathers or partners with up to two weeks' pay based on the rate of the National Minimum Wage for children born or adopted after 1 January 2013.

128. An independent evaluation and legislated review of the Paid Parental Leave scheme have been completed. The phase one evaluation report[17] was released in May 2012 and the phase two evaluation report[18] in March 2014. Phase three and four (final) evaluations are yet to be published. The review report was published in June 2014.[19]

129. A key finding from the evaluation was that parents and employers were generally positive about the scheme, which is operating largely as expected. More detailed findings will be available with the release of the final two reports. The Paid Parental Leave review found that the scheme's introduction extended the time mothers take off work in the first six months after a birth and also increased the proportion of mothers returning to work by their child's first birthday. This was most pronounced for lower income mothers, mothers without tertiary level education and those who were self-employed or casually employed.

130. The Australian Government has not considered ratification of Convention 183 (which superseded Convention 103). While the Government supports the spirit of this Convention, its prescriptive nature makes it difficult for Australian jurisdictions to adapt to suit Australian conditions. For example, article 4 of the Convention requires women to take a minimum of six weeks of compulsory maternity leave following the birth of their child. Under the Fair Work Act 2009 (Cth) eligible parents are each entitled to 12 months unpaid parental leave with the right to request an additional 12 months leave.

Concluding Observation 22 – Domestic Violence

131. The committee is referred to Appendix 1 for state and territory policies and programing under Concluding Observation 22.

132. All Australian governments have zero tolerance towards violence against women and their children. All Australian governments believe that keeping women and their families safe is the most fundamental step towards ensuring their security and prosperity and is committed to reducing violence against women and their children.

133. In Australia, physical and sexual violence is a significant concern with around one in three women experiencing physical violence since the age of 15, and around one in five women experiencing sexual violence.[20] One woman a week is killed by a current or former partner,[21] and this appears to be rising.

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[17] Report available at: https://www.dss.gov.au/about-the-department/publications-articles/research-publications/occasional-paper-series/number-44-paid-parental-leave-evaluation-phase-1

[18] Report available at: https://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/paid-parental-leave-scheme/review-of-the-paid-parental-leave-scheme/paid-parental-leave-phase-2-report

[19] Report available at: https://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme/paid-parental-leave-review

[20] Data sourced from Australian Bureau of Statistics (ABS), Personal Safety Survey, 2012, (Cat. No. 4906.0) available at: http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0

[21] Australian Institute of Criminology, *Indigenous women's offending patterns: A literature review*, July 2010, available at: http://www.aic.gov.au/publications/current%20series/rpp/100-120/rpp107.html

134. This violence is worse for some women. Indigenous women are 31 times more likely to be hospitalised due to family violence related assaults than other Australian women.[22]

The National Plan to Reduce Violence against Women and their Children 2010-2022

135. The National Plan to Reduce Violence against Women and their Children 2010-2022 was released in February 2011 and brings together government and community efforts so Australian women and their children can live free from violence in safe communities.[23] The plan sets a long-term platform for action to be delivered through a series of four three-year action plans.

136. The second action plan — Moving Ahead 2013-2016 — was launched on 27 June 2014. It builds on the first action plan: Building a Strong Foundation 2010-2013, which established key national infrastructure and laid a foundation for long-term change. The Second Action Plan has a focus on better understanding and responding to people's diverse experiences of violence, including the experiences of Indigenous women, women from culturally and linguistically diverse backgrounds and people with disability.

Services and Support for Victims

137. The national plan focuses on strengthening the way systems and services work together across Australian states and territories. Key initiatives to support women and their children who have experienced violence include: 1800RESPECT, Australia's national telephone and online counselling service for domestic and family violence and sexual assault.

- A national domestic violence order information sharing system to strengthen the identification and enforcement of domestic violence orders across Australia
- DV-Alert training for health and allied health workers in all Australian states and territories to better understand, identify and respond to violence

138. Other key initiatives under the plan include:

- The Our Watch primary prevention organisation, that works to raise awareness and engage the community in action to prevent violence against women and their children.[24]
- The Line social marketing campaign, which is engaging young Australians in discussion about respectful relationships to support changes to attitudes and behaviours that contribute to violence.
- Australia's National Research Organisation for Women's Safety, which brings together for the first time research on domestic and family violence and sexual assault.
- National outcome standards for perpetrator interventions.
- A national data collection and reporting framework that will lay the foundation for a common language and coordinated and consolidated approach to data.
- The Australian Government has committed to conducting the Personal Safety Survey every four years over the life of the National Plan. This survey collects

[22] **Productivity Commission**, *Overcoming Indigenous Disadvantage: Key Indicators 2011*, **August 2011, available at**: http://www.pc.gov.au/research/recurring/overcoming-indigenous-disadvantage/key-indicators-2011

[23] **Further information**: http://plan4womenssafety.dss.gov.au.

[24] **Further information**: http://www.ourwatch.org.au/.

information on the nature and extent of violence experienced by men and women since the age of 15, including experience of current and previous family violence.

- The ABS has been funded to conduct a Victims and Offenders Data Project. This project will add family and domestic violence data items into its existing recorded crime datasets. National domestic violence indicator data are expected to be released and made available on the ABS website by the end of September 2015.

139. The National Community Attitudes Towards Violence Against Women Survey, which seeks to understand community attitudes about violence against women.[25]

140. In April 2015 COAG agreed to take urgent collective action to address the unacceptable level of violence against women. All Australian governments agreed, by the end of 2015:

- A national domestic violence order (DVO) scheme will be agreed, where DVOs will be automatically recognised and enforceable in any state or territory of Australia
- Progress will be reported on a national information system that will enable courts and police in different states and territories to share information on active DVOs
- COAG will consider national standards to ensure perpetrators of violence against women are held to account at the same standard across Australia, for implementation in 2016
- COAG will consider strategies to tackle the increased use of technology to facilitate abuse against women, and to ensure women have adequate legal protections against this form of abuse and
- An Advisory Panel on Reducing Violence against Women has been established to provide specialist advice to COAG

141. COAG also agreed to jointly contribute $30 million for a national campaign to reduce violence against women and their children.

National Framework for Protecting Australia's Children

142. In Australia and internationally, the exposure of children to domestic and family violence is increasingly being recognised as child abuse. Nationally, emotional abuse was the most common substantiation type for children (40%),[26] with children affected by exposure to family violence included in this category. Some definitions of abuse also include witnessing domestic violence in its own right. Some jurisdictions also require reports of exposure of children to domestic violence.

143. The Australian Government is working with state and territory governments and the community to deliver the National Framework for Protecting Australia's Children 2009-2020. This aims to achieve a substantial and sustained reduction in child abuse and neglect over time and is underpinned by principles that align with the United Nations' Convention on the Rights of the Child. It is being delivered through a series of three-year action plans.

144. A specific focus of the framework's Second Action Plan 2012-2015 was addressing risk factors for child abuse and neglect, including domestic and family violence, and working closely with the national plan to protect at-risk children and young people.

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[25] Further information on NCAS is available at: http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4533.0Main+Features452013.

[26] Australian Institute of Health and Welfare (AIHW), *2013-14 Child Protection Australia Report*, May 2015, (Cat. No. CWS 52), available at: http://www.aihw.gov.au/publication-detail/?id=60129550762.

145. A number of priority actions were implemented under the framework's Second Action Plan to strengthen families and protect women and children from violence including:

- Implementing "child aware approaches" across organisations, services, sectors and communities to improve understanding of, and early responses to, risk factors for child abuse and neglect, including domestic and family violence
- Delivering the Building Capacity Building Bridges project that provides training in child and family sensitive practice in relevant adult focused services, such as domestic and family violence services, to strengthen their focus on prevention and early intervention and supporting at-risk children

146. Work is underway to develop the National Framework's Third Action Plan 2015-2018, which is due to be finalised in 2015. Australian community services ministers have agreed that this plan will focus on prevention and early intervention and address the impacts of family violence on children.

Concluding Observation 23 – Trafficking in Human Beings

147. The Australian Government takes a comprehensive, whole-of-government approach to combating human trafficking, slavery and slavery-like practices and uses a strategy based on four pillars: prevention and deterrence; detection and investigation; prosecution and compliance; and victim support and protection. Together these address the full cycle of trafficking, from recruitment to reintegration, and give equal weight to prevention, prosecution and victim support.

148. The Australian Government remains committed to working in partnership with civil society to combat human trafficking and slavery. Since 2008 the Australian Government has held an annual Ministerial-level National Roundtable on Human Trafficking and Slavery which acts as the primary consultative mechanism for Government to engage with civil society organisations on trafficking issues. A supplementary National Roundtable Senior Officials' Meeting has also been held annually since 2011. Over the years, National Roundtable members have contributed to a number of significant achievements including the development of key legislation on forced marriage, as well as reforms to improve Australia's Human Trafficking Visa Framework.

149. Since Australia's strategy to combat human trafficking and slavery was established in 2003, Australia has provided more than $150 million to support a range of domestic, regional and international anti-trafficking initiatives, including specialist teams within the Australian Federal Police to investigate human trafficking and slavery.

150. In 2013, following extensive public consultations, the Australian Parliament passed two Acts to enhance Australia's legislative frameworks around human trafficking and slavery:

- The Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013 (Cth) came into force on 8 March 2013. The Act made amendments to the Commonwealth Criminal Code Act 1995 to make sure the broadest range of exploitative conduct is criminalised, including by introducing new offences of forced marriage and harbouring a victim, and standalone offences of forced labour and organ trafficking. The Act amended existing definitions to capture more subtle forms of coercion, including psychological oppression, the abuse of power or taking advantage of a person's vulnerability. It also amended the Crimes Act 1914 (Cth) to improve the availability of reparation orders to individual victims of Commonwealth offences, including human trafficking and slavery.
- The Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Act 2013 (Cth) (the Vulnerable Witness

Act) entered into force on 29 June 2013. Under the legislation, trafficked people can give evidence by closed-circuit television, video-link or video recording, have their contact with the defendant or members of the public limited, and have a support person with them while they give evidence.

- The Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2015, introduced to the Australian Parliament on 19 March 2015, seeks to amend Australia's forced marriage legislation, including by expanding the legal definition of forced marriage and increasing the associated penalties.

151. The Vulnerable Witness Act also makes it an offence to publish material identifying a trafficked person, and allows trafficked people to make victim impact statements to the court outlining the harm they have experienced. The protections apply automatically to victims of human trafficking, slavery and slavery-like offences.

152. In 2012-13, the Australian Government began developing the National Action Plan to Combat Human Trafficking and Slavery 2015-2019.[27] This is aligned with a recommendation of the United Nations Special Rapporteur on trafficking in persons, especially women and children, following her November 2011 mission to Australia.

153. The National Action Plan was launched on 2 December 2014. It formalises the next phase of Australia's whole-of-community response to human trafficking and slavery, including by setting strategic aims and providing measures to monitor the impact and effectiveness of efforts to combat these crimes. The National Action Plan outlines seven key areas of focus for the next five years; many of which have seen significant progress in 2015, in particular efforts to address forced marriage and increase education and awareness. To ensure accountability and transparency, the Australian Government will report to the Australian Parliament on process under the National Action Plan through the annual Interdepartmental Committee on Human Trafficking and Slavery report. These annual domestic reporting requirements also enable the Australian Government to identify new and emerging issues, and ensure that the National Action Plan remains current and responsive.

154. In 2011, the Australian Government committed almost $500,000 to five non-government organisations, union bodies and industry associations to undertake projects to combat labour exploitation in susceptible industries in Australia. In July 2014, almost $500,000 was awarded to three non-government organisations to improve education, awareness-raising and advice to people at risk of forced marriage, to support the prevention and detection of this crime, and promote early intervention. In March 2014, a total of $1.44 million was announced for four non-government organisations to continue their efforts to prevent and address human trafficking and slavery.[28]

155. Australia continues to take an active role in international and regional efforts to combat human trafficking and slavery. As co-chair with Indonesia of the Bali Process, Australia works with regional partners to enhance cooperation on human trafficking. Australia's $50 million flagship program, the Australia-Asia Program to Combat Trafficking in Persons, commenced in August 2013 and builds on 10 years of efforts to combat human trafficking in the region.

156. The Australian Government also works with countries in the Indo-Pacific region to strengthen legal frameworks and capacity to address human trafficking and related issues. This includes working with partner countries to strengthen anti-money laundering and proceeds of crime frameworks to target the financial incentive of human trafficking and slavery and associated money laundering.

[27] National Action Plan available at: www.ag.gov.au/

[28] A breakdown of all allocated funding is provided at Appendix 6.

157. The Australian Government continues to provide a comprehensive range of support services for trafficked people through the Support for Trafficked People Program, which is available to victims of human trafficking, slavery and slavery-like practices, including forced marriage and forced labour. The Australian Government is providing $3.165 million over three years from 2015-16 to 2017-18.

Concluding Observation 24 – Poverty

158. The committee is referred to Australia's combined 18th–20th periodic report under CERD, specifically Concluding Observation 14 (Access to Services, Multicultural Policy and Social Inclusion Agenda) and Concluding Observation 22 (Eradicating Socio-Economic Disparities, Cultural Appropriateness of Public Service Delivery, Indigenous Self-Empowerment).

Policy and Data

159. The Australian Government provides services and support to improve the lifetime wellbeing of Australian people and families, and encourages independence and economic and social participation (see Concluding Observation 16). Policy priority is given to families and individuals who are most likely to have poor life outcomes. Australia's high minimum wage also provides some protective mechanisms to reduce disadvantage.

160. Our highly targeted payments system prioritises people and families who are most likely to have poor lifetime outcomes. There are numerous programs designed to combat poverty and social exclusion, with support provided under three broad categories:

- Direct payments through the Department of Human Services and other agencies; these include the Age Pension, the Disability Support Pension and the Newstart Allowance
- Working with states and territories on outcomes in shared policy areas, including housing, homelessness, disability services, concessions and children's welfare
- Funding organisations to deliver residential and community services that support families and individuals according to their needs

161. Approximately 22% of welfare payment recipients are from a non-English speaking background, which is comparable to the total Australian population. Assistance for asylum seekers and other humanitarian entrants is described under Concluding Observation 20.

162. Perceptions of an adequate standard of living vary across countries and over time. Thus no commonly agreed international measure of poverty exists. The measure most commonly used by academia and international organisations is relative income poverty defined as half of median equivalised household disposable income. Income is not a comprehensive measure of household living standards and consumption as it does not account for the value gained from a wide range of non-cash benefits and ownership of assets, particularly the benefits of home ownership. Welfare payment recipients are also eligible for a wide range of non-cash benefits concessions and services, and supplementary payments, such as family payments, child care assistance and Commonwealth Rent Assistance. It is also important to note that social security payments operate in conjunction with taxation concessions, productivity initiatives, employment services and labour market strategies, as part of an integrated package to support workforce participation objectives.

163. The Australian Government considers that, rather than generating a credible assessment of social outcomes, income poverty lines are one-dimensional and tend to obscure the wide range of factors which lead to disadvantage, and introduce a focus which risks distorting social policy priorities. In addition, public debate, academic and other

research and analysis has demonstrated little consensus on the definition and measurement of disadvantage

164. The Australian Government collects data to evaluate outcomes of various programs. Measures of wellbeing are preferred, given that measures of absolute and relative poverty are not comprehensive indicators of deprivation and disadvantage.[29]

165. This data is collected by the ABS through the Survey of Income and Housing,[30] and through several longitudinal data sets including the Household, Income and Labour Dynamics in Australia (HILDA) survey. The HILDA survey is conducted by the University of Melbourne and funded by the Australian Government. It collects information about economic and subjective well-being, labour market dynamics and family dynamics.[31]

166. To ensure the effectiveness of its programs, the Australian Government also evaluates key social policy measures. Examples include:

- The evaluation of the National Disability Insurance Scheme trial which will help improve the scheme as it rolls out across the country
- A five year comprehensive evaluation of the Paid Parental Leave scheme
- Evaluations of several income management measures[32] such as place-based income management and new income management in the Northern Territory[33]

167. A review of Australia's welfare system was commissioned in 2013 to identify improvements to ensure that the social support system is sustainable, effective, coherent and encourages people to work. The final report was released in 2015. Recommendations are grouped around four pillars of reform; a simpler and sustainable income support system; strengthening individual and family capability; engaging with employers; and building community capacity.[34]

Multiculturalism

168. The Australian Government is committed to a multicultural Australia and has had successive multicultural and settlement advisory councils since 1987. The current Australian Multicultural Council was launched on 15 December 2014 to provide informed advice on multicultural policy and programs over a three-year period. The terms of reference for the council include strategies to harness the economic and social benefits of Australia's culturally diverse population; build stronger and more cohesive communities; and promote stronger intercultural and interfaith understanding.

169. Diversity and social cohesion grants build socially cohesive Australian communities through projects that support the long-term capacities of higher need and at-risk communities, including by promoting stronger community relations and developing sustainable community partnerships. They develop the capacity of communities and promote respect, fairness and belonging for Australians of every race, culture and religion.

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[29] More comprehensive measures allows for a better analysis of what might best improve economic and social outcomes and take into account objective measures of wealth, housing access, social connectedness, mental health, financial literacy, family functioning and subjective measures such as life satisfaction, resilience, personal safety and time for leisure.

[30] Further information available at: www.abs.gov.au.

[31] Further information available at: https://www.melbourneinstitute.com/hilda/.

[32] Evaluations available at: https://www.dss.gov.au/our-responsibilities/families-and-children/programmes-services/income-management/income-management-evaluations.

[33] Reports available at: www.dss.gov.au.

[34] Further information available at: www.dss.gov.au/welfarereform.

170. Australia's Multicultural Access and Equity Policy ensures that eligible people can access government programs and services, regardless of their cultural or linguistic backgrounds. The approach acknowledges that Australia is a multicultural society and that there is an obligation for agencies to provide equitable access to services. Target groups for the policy include migrants with low levels of English proficiency, refugees and humanitarian entrants, visibly different migrants, newly arrived individuals and other migrants experiencing difficulties in accessing services based on age, gender, disability, youth or coming from a collectivist culture.

171. The Australian social security system is based on residence and need. All Australians, irrespective of their background, who meet the residence, means test and age criteria, have access to a full range of social security assistance. (See also Concluding Observation 20).

Indigenous Australians

172. The committee is referred to Australia's combined 18th–20th Periodic Report under CERD, specifically Concluding Observation 16 and Supplementary Observations (Northern Territory Emergency Response and Income Management) and Concluding Observation 22 (Eradicating Socio-Economic Disparities, Cultural Appropriateness of Public Service Delivery, Indigenous Self-Empowerment).

173. Compared with the rest of the Australian population, Aboriginal and Torres Strait Islander Australians face higher levels of disadvantage across all measures of quality of life, including employment and education. Poverty is closely linked to employment and educational attainment.

174. To address the disadvantage experienced by many Aboriginal and Torres Strait Islander Australians, Commonwealth, state and territory governments have committed to Closing the Gap targets relating to employment, literacy, numeracy, early childhood education, Year 12 attainment, life expectancy, and child mortality. In early 2014, all governments also committed to a new target of closing the gap in school attendance.

175. The bulk of Commonwealth funding to improve Indigenous outcomes is delivered through mainstream programs. Commonwealth government departments must ensure effective service delivery for Indigenous Australians to support objectives around schooling, employment, community safety, Closing the Gap targets, and engagement with Indigenous Australians. They are looking to improve outcomes on the ground, address program duplication, reduce red tape, increase flexibility to respond to community needs, and improve the collection of data, evidence and information.

176. The Indigenous Advancement Strategy (IAS), which commenced on 1 July 2014, streamlined and focused more than 150 individual programmes and activities on three priorities that are fundamental to improving the lives of Aboriginal and Torres Strait Islander people: improving school attendance, increasing workforce participation, and making communities safer. The IAS has been designed to allow for practical, place based solutions.

177. The Social Inclusion Unit — established in December 2007 — was discontinued to reflect that mainstream programs and services, not just indigenous specific services, have a responsibility to provide services that meet the needs of all Australians.

Concluding Observation 25 – Mandatory Detention

178. The government views immigration detention as an essential element of strong border control. Immigration detention supports Australia's well-managed migration system and is used to identify individuals and manage potential risks to the Australian community

posed by unlawful non-citizens of national security, health and character concern. Those subject to mandatory detention include:

- All illegal arrivals for management of health, identity and security risks to the community
- Unlawful non-citizens who present unacceptable risks to the community and
- Unlawful non-citizens who repeatedly refuse to comply with their visa conditions

179. Immigration detention in Australia is neither unlawful nor arbitrary. Detention is not limited by a set timeframe but is dependent upon a number of factors, including identity determination, developments in country information and the complexity of processing due to individual circumstances relating to health, character or security matters.

180. The length and conditions of immigration detention, including accommodation and services, are regularly reviewed by senior Departmental officers, the Commonwealth Ombudsman and other external agencies, such as the AHRC. All persons in immigration detention are subject to regular review, both from within the Department and by external agencies.

181. The government is committed to ensuring that those in detention are treated with dignity, and to providing appropriate conditions for vulnerable groups such as children and families that correspond to those found in the Australian community.

182. The Commonwealth Ombudsman's office, AHRC, Australian Red Cross, pastoral care providers and representatives of community groups regularly visit Australian immigration detention facilities, including those on Christmas Island. There is also a robust internal feedback and complaints systems at all facilities.

183. Illegal maritime arrivals may also be granted a bridging E visa to enable them to live more independently in the community while their refugee claims are considered and immigration status resolved. Those not granted bridging visas are accommodated in a range of detention facilities. All are provided with appropriate care and support commensurate with that in the Australian community.

Concluding Observation 26 – Homelessness

184. The committee is referred to Appendix 1 for state and territory policies and programing under Concluding Observation 26.

185. All Australian governments fund the provision of services and support to address homelessness and those at risk of homelessness, including families in crisis, women and children affected by domestic violence and young people.

186. The ABS provides official estimates of homelessness in the Census of population and housing: estimating homelessness, 2011 report.[35] In 2012, the bureau established the Homelessness Statistics Reference Group to advise on developing, collecting, compiling, producing and disseminating robust statistics for use in analysing, understanding and reporting on homelessness in Australia. The next Census is in 2016.

187. On 1 July 2011, the Australian Institute of Health and Welfare (AIHW) launched the Specialist Homelessness Services Collection to measure the effectiveness of homelessness

[35] Report available at: http://www.abs.gov.au/ausstats/abs@.nsf/mf/2049.0 It should be cautioned that there is no single variable in the Census which can accurately inform on homelessness.

programs in Australia. The second annual report provides information about clients and the support they received from services in 2012-13.[36]

Housing and Homelessness

188. Since the Special Rapporteur's mission to Australia in 2006, COAG introduced the National Affordable Housing Agreement (NAHA), a whole-of-government approach in tackling the problem of housing affordability. Beginning in January 2009 the NAHA aims to ensure that all Australians have access to affordable, safe and sustainable housing that contributes to social and economic participation. Under the NAHA, the Commonwealth provides states and territories with around $1.3 billion a year to deliver appropriate housing for low and moderate income Australians. This includes about $250 million a year for homelessness.

189. COAG also delivered a comprehensive plan to significantly reduce homelessness by 2013. The National Partnership Agreement on Homelessness provided $1.1 billion of Commonwealth, state and territory resources over four years to June 2013 to achieve this.

190. In 2013-14 a one-year transitional national partnership agreement provided almost $159 million in Commonwealth funding, matched by states and territories, to ensure the continued provision of homelessness services. This included about $43 million in Commonwealth funding for capital projects to help people move from homelessness into safe and sustainable housing, and $4 million for a one-year extension of the longitudinal study into homelessness, Journeys Home.

191. In 2014-15 the Australian Government reinstated the national partnership for another year, providing up to $115 million in funding, matched by states and territories, to continue critical front line homelessness initiatives and support some of Australia's most vulnerable.

192. The Australian Government is continuing the national partnership for a further two years to June 2017, providing up to $115 million in funding per year, matched by states and territories. This partnership is giving funding priority to front line services focusing on women and children experiencing domestic and family violence, and homeless youth.

193. The National Partnership Agreement on Social Housing commenced in 2009 with $400 million to increase the supply of social housing and help reduce homelessness. Around 1,950 dwellings were delivered with about 52% of tenancies allocated to people who were homeless or at risk of homelessness. This agreement concluded in 2010.

194. The $5.6 billion Social Housing Initiative funded new social housing homes and repairs and maintenance for existing dwellings. More than 19,700 new homes were built under the initiative with the assistance of the not for profit sector. Approximately 53% of new homes were allocated to tenants who were homeless or at risk of homelessness.

Youth Services

195. The Australian Government funds Reconnect, an early intervention program for young people aged 12 to 18 years (12 to 21 years for Newly Arrived Youth Specialist services), who are homeless — or at risk of homelessness — and their families.

196. Between 2013 and 2016, more than $70 million (about $23.8 million a year) is being provided to deliver 102 Reconnect services, including 10 Indigenous and 13 Newly Arrived Youth Specialists. Reconnect helped over 72,000 young people and their families during

[36] AIHW *Specialist homelessness services 2012-13*, December 2013, (Cat. No. HOU 273), available at: http://www.aihw.gov.au/publication-detail/?id=60129545629.

2000-2013, including over 6,000 in 2013-14, 90% of who reported an overall improvement in their situation following support.

Rental Affordability

197. The National Rental Affordability Scheme was introduced in 2008. This Commonwealth, state and territory government initiative provides additional housing through financial incentives to private investors and community organisations that build and rent homes to low and moderate income households at least 20% below market value. Over the scheme's lifetime, the cost to the Commonwealth is estimated at around $3.5 billion, based on up to 38,000 allocations being issued. At 12 January 2015, 24,775 dwellings have been delivered into the scheme and 12,918 allocations remain reserved. The scheme was originally intended to provide 50,000 dwellings and the Government reduced the total to 38,000 dwellings in the 2014-15 Budget.

198. The Commonwealth Government also provides around $4 billion annually through the provision of Commonwealth Rent Assistance to approximately 1.3 million individuals and families.

Indigenous Housing

199. To address significant overcrowding, homelessness, poor housing conditions and the severe housing shortage in remote Indigenous communities, the Australian Government committed $5.5 billion through the ten-year (2008-09 to 2017-18) National Partnership Agreement on Remote Indigenous Housing. Under the agreement, funding is provided to state and Northern Territory governments for new housing, housing refurbishments and reforms to property and tenancy management services.

Concluding Observation 27 – Impacts of Climate Change

200. The committee is referred to Australia's combined 18th-20th periodic report under CERD, specifically Concluding Observation 13 (Regulation of Australian Corporations).

201. The Australian Government funds a number of programs to partner with Indigenous Australians in managing Australia's environment and cultural heritage including Working on Country, Indigenous Protected Areas, and Natural Heritage.[37] These support Indigenous aspirations in caring for country, provide training and career pathways in land and sea management, and support the integration of Indigenous ecological and cultural knowledge with contemporary practices to deliver enduring environmental, cultural, social and economic outcomes.

Land Management and Conservation

202. Recognising the high biodiversity and other environmental values on Indigenous managed lands, all levels of government have responded to these "caring for country" initiatives through funding, partnerships and other support.

203. Indigenous land, fresh water and sea management[38] includes a wide range of environmental, natural resource and cultural heritage management activities undertaken by individuals, groups and organisations across Australia. A supplementary report to the 2011

[37] Further information available at: www.environment.gov.au/indigenous/index.html.

[38] Referred to as "caring for country".

State of the Environment Report, Indigenous land and sea management – a case study, provides details of these various arrangements.[39]

204. The Indigenous Advisory Committee is a statutory committee established in 2000 under the Environmental Protection and Biodiversity Conservation Act 1999. The Advisory Committee's function is to advise the Minister for the Environment on the Act, taking into account of Indigenous peoples' knowledge of managing land and the conservation and sustainable use of biodiversity.

Water

205. COAG's principal water policy agreement is the National Water Initiative[40] signed in June 2004. Under the initiative, Australian governments agreed to achieve a more cohesive approach to the way Australia manages, measures, plans for, prices and trades water. This includes developing water planning frameworks that recognise Indigenous needs in relation to water access and management. In addition, all jurisdictions are helping develop a module on Indigenous engagement in water planning and management to supplement the initiative's policy guidelines for water planning and management (2010). This is expected to be completed in 2015.

206. The National Water Commission's[41] Review of Indigenous involvement in water planning, 2013 (published in 2014)[42] and Australia's water blueprint: national reform assessment 2014[43] found that most jurisdictions have improved the amount and quality of consultation with Indigenous communities, yet have generally failed to incorporate effective strategies to achieve Indigenous objectives in water planning arrangements. Further, most jurisdictions have not yet made specific provision for water access for Indigenous peoples. The commission also found that leadership on water issues by various Indigenous bodies has been important to facilitate the inclusion of Indigenous interests into national and state water policy frameworks.

207. To better understand flow requirements to support cultural outcomes, including potential overlaps between cultural flows and environmental flows, a number of Australian Government agencies are working to support the National Cultural Flows Research Project. This seeks to improve understanding of Indigenous values relating to water and to enable these to be better reflected in water planning and management in Australia. The project also aims to secure a future where cultural flows are part of Australia's water planning and management regimes.

[39] Report available at http://www.environment.gov.au/system/files/pages/ba3942af-f815-43d9-a0f3-dd26c19d83cd/files/soe2011-supplementary-land-indigenous-land-and-sea-management-case-study.pdf.

[40] Further information available at: http://www.nwc.gov.au/__data/assets/pdf_file/0008/24749/Intergovernmental-Agreement-on-a-National-Water-Initiative.pdf.

[41] The National Water Commission is an independent statutory authority that provides advice to COAG and the Australian Government on national water issues, independent assurance of governments' progress on water reform, and promotes the objectives and outcomes of the National Water Initiative. In its 2014-15 Budget the Australian Government announced the closure of the National Water Commission at the end of 2014. The *National Water Commission (Abolition) Bill 2004* is currently before Parliament for consideration.

[42] Review available at: http://www.nwc.gov.au/__data/assets/pdf_file/0010/36865/Review-of-Indigenous-Involvement-in-Water-Planning-2013.pdf.

[43] Available at: http://www.nwc.gov.au/publications/topic/assessments/australias-water-blueprint-national-reform-assessment-2014.

208. A good example highlighting real progress is the Aboriginal Water Initiative,[44] a partnership between the NSW Government and Indigenous communities to progress the incorporation of Indigenous water needs in water planning and management within NSW. The Australian Government funded $1.69 million a year for four years from 2011.

Food Security

209. The Australian Government is implementing initiatives to support food security in remote Indigenous communities, improve access to nutritional food and contribute to the broader objective of improving the health and wellbeing of Indigenous Australians. The Community Stores Licensing Scheme, established by the Stronger Futures in the Northern Territory Act 2012 (Cth), aims to ensure ongoing access to a range of reasonably priced food, drink and grocery items to meet nutritional and related household needs in remote Indigenous communities in the Northern Territory. At 31 December 2014 around 100 community stores were licensed in the Northern Territory.

Climate Change Mitigation

210. The Australian Government's focus for the environment is to deliver practical change at the local level. The Emissions Reduction Fund incorporates and improves on the Carbon Farming Initiative to reduce emissions by streamlining existing administrative arrangements and providing new opportunities for emissions reduction activities across the economy.

211. Indigenous people have shown particular interest in emissions reduction and carbon sequestration projects managing savannas and forests. Carbon Farming Initiative projects, and now those under the Emissions Reduction Fund, provide an incentive to Indigenous land managers to reduce greenhouse gas emissions. Projects provide income to support sustainable livelihoods on country and may generate additional social, cultural, employment and biodiversity co-benefits. To date, there are 38 projects for savanna fire management which have been issued over 1.4 million Australia Carbon Credit Units; nearly half of these projects have Indigenous control or participation. Methodologies for emissions abatement through early dry season savanna fire management link research with customary Indigenous burning practices in northern Australian savannas.

212. The government has also facilitated Indigenous participation in the Carbon Farming Initiative through the Indigenous Carbon Farming Fund. The research and development stream is administered by the Department of the Environment and provided grants for low-cost methodologies, research and reporting tools to help Indigenous Australians to participate.

213. The Indigenous Carbon Farming Fund has supported the North Australian Fire Information Service, delivered the Savanna Burning Abatement Tool (which won the Environment and Sustainability category of the Asia-Pacific Spatial Excellence Awards), and two new proposals from the North Australia Indigenous Land and Sea Management Alliance for methods for savanna fire management. Research outputs from these projects are being used to improve Australia's national accounts with regard to savannas.

Climate Change Adaptation

214. Between 2007 and 2013 the Australian Government invested more than $120 million in the National Climate Change Adaptation Program. This helped Australians better understand and manage risks linked to existing carbon pollution, and to take advantage of potential opportunities.

[44] Further information available at: http://www.water.nsw.gov.au/Water-management/Water-sharing-plans/Aboriginal-Water-Initiative/Aboriginal-communities

215. As part of the program, $47 million was invested to establish a National Climate Change Adaptation Research Facility to identify and address priority research questions around unavoidable climate change. In 2014 the Australian Government committed a further $9 million over three years to the facility, which will now focus on delivering practical, hands-on tools and information to help governments, businesses and communities manage climate risks, particularly in the coastal zone.

216. In 2012 the facility developed a national climate change adaptation research plan for Indigenous communities. This identified the research required by decision makers within government, industry and communities to respond and adapt effectively to the impacts of climate change on Indigenous communities. The plan will guide governments and other investors over the next five years to fund research that will deliver maximum benefit to Indigenous communities, and provide a broad framework for longer-term research planning.

217. The facility released a number of research papers on climate change impacts on human health and vulnerable communities during its first phase of work (2008-2013). This work will continue via the recently established adaptation research network on vulnerable communities and human health.

218. The Australian Government is investing more than $15 billion on water reform and to secure Australia's water supply, $10 billion through the Sustainable Rural Water Use and Infrastructure Program, and by supporting Australian farmers through Australia's Farming Futures program.

Concluding Observation 28 – Closing the Gap

219. The committee is referred to Australia's combined 18th–20th periodic report under CERD, specifically Concluding Observation 22 (Eradicating Socio-Economic Disparities, Cultural Appropriateness of Public Service Delivery, Indigenous Self-Empowerment) and Concluding Observations 15 and 26 (Indigenous Recognition and Reconciliation).

220. Indigenous Australians experience poorer health outcomes at higher rates and younger ages than non-Indigenous Australians. The Australian Government is committed to closing the gap and achieving equality in health outcomes between Indigenous and non-Indigenous Australians.

221. Closing the Gap in Indigenous disadvantage and improving the health outcomes of Aboriginal and Torres Strait Islander people is a high priority for all Australian governments. Targets are agreed by Commonwealth and state and territory governments, and the Prime Minister reports annually on progress towards achieving these.[45]

222. In 2008 COAG agreed six Closing the Gap targets, two of which specifically relate to health: close the life expectancy gap within a generation (by 2031); and halve the gap in mortality rates for Indigenous children under five within a decade (by 2018). Life expectancy at birth increased between 2005-2007 and 2010-2012 for Indigenous men and women to 69.1 years and 73.7 years respectively. The overall mortality rate among Indigenous Australians declined by 16% between 1998 and 2013 and there has been a significant decline in the gap with non-Indigenous Australians (by 15%). Even with these improvements, progress must accelerate to meet the target of closing the gap in life expectancy by 2031.

223. The Indigenous child death rate declined by 31%, outpacing the decline in non-Indigenous child deaths between 1998 and 2013. This has led to a significant (35%) narrowing of the gap in child death rates between Indigenous and non-Indigenous children

[45] 2015 Report available at: www.dpmc.gov.au/publications/index.cfm

over this period. Although the Indigenous child mortality rate for 2013 was higher than the required range for the target, the trend means that the target of halving the gap by 2018 is likely to be achieved. The Indigenous infant mortality rate also declined between 1998 and 2012 by 64%, with the gap with non-Indigenous infants narrowing by 83%.

224. The annual Closing the Gap Reports are supplemented by a range of annual and biennial national reporting arrangements which draw on national minimum data sets and enable comparative reporting of governments' achievements. These reports cover indicators on health and social determinants of health disaggregated by Indigenous status and other demographic variables.[46]

225. To assess progress at the local level, COAG agreed in 2008 to develop national key performance indicators through the National Indigenous Reform Agreement. Data is collected every six months from about 200 Indigenous-specific primary health care organisations funded by the Department of Health to provide services primarily to Aboriginal and Torres Strait Islander people. In 2014, the AIHW published the first and second reports on the indicators for Aboriginal and Torres Strait Islander primary health care (in May and December respectively).[47]

226. An overarching national strategic policy, the National Aboriginal and Torres Strait Islander Health Plan 2013-2023, is a ten year, evidence based strategic framework designed to guide policy and program development to improve health outcomes. An implementation plan is being developed to articulate the collaborative actions to be undertaken by the Commonwealth and key participants to achieve the plan's vision.

227. The ABS conducts a National Aboriginal and Torres Strait Islander Health Measures Survey which can be accessed on the Bureau's website.[48] In 2014, it published the first Australian Aboriginal and Torres Strait Islander Health Survey.[49] This is the largest biomedical survey of its type ever conducted, and around 3,000 Aboriginal and Torres Strait Islander adults aged 18 years and over were voluntarily tested for a range of chronic disease and nutrient biomarkers.[50]

228. Overall funding levels for Indigenous health will continue to grow over the next four years. From 2014-15 to 2017-18, the Australian Government will invest $3.1 billion in Indigenous specific health programs and activities an increase of over $500 million compared with 2009-10 to 2012-13. This includes expanding programs that have demonstrated their effectiveness in improving health outcomes, including $94 million from 2015-16 to expand efforts to improve child and maternal health, and $36.2 million to expand Healthy for Life to improve the management of chronic disease.

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[46] For example, Overcoming Indigenous Disadvantage Report, available at: http://www.pc.gov.au/gsp/overcoming-indigenous-disadvantage/key-indicators-2014 and Aboriginal and Torres Strait Islander Health Performance Framework Report available at: http://www.health.gov.au/indigenous-hpf.

[47] Further information available at: http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129547048.

[48] The most recent publication is the Australian Aboriginal and Torres Strait Islander Health Survey: Updated Results, 2012-13 (Cat. No. 4727.0.55.006), available at: www.abs.gov.au/ausstats/abs@.nsf/Lookup/4727.0.55.006main+features12012-13. 9,300 Aboriginal and Torres Strait Islander people participated in this ABS survey.

[49] The first *Australian Aboriginal and* Torres *Strait Islander Health Survey: Biomedical Results, 2012-13* (Cat. No. 4727.0.55.003) is available at: http://www.abs.gov.au/ausstats/abs@.nsf/mf/4727.0.55.003.

[50] Report available at: www.abs.gov.au/ausstats/abs@.nsf/mf/4727.0.55.003.

Concluding Observation 29 – Health Services in Prisons

229. The committee is referred to Australia's combined 18th-20th periodic report under CERD, specifically Concluding Observation 20 (Incarceration Rates of Indigenous Peoples and Provision of Adequate Health Care; Addressing Social and Economic Factors Underpinning Indigenous Contact with the Criminal Justice System).

230. International frameworks guide health care services for Australian prisoners. The Standard Guidelines for Corrections in Australia[51] stipulate that prisoners should receive health care equivalent to that available in their community, without discrimination.

231. The Royal Australian College of General Practitioners supplements these guidelines with the standards for health services in Australian prisons. These support general practitioners working to achieve better health outcomes for those in prisons or detained in custody.

232. In 2012, the AIHW released The health of Australia's prisoners 2012 report (Appendix 7).[52] This was the third report relating to the National Prisoner Health Indicators, which were developed in 2009 to help monitor the health of prisoners and to inform and evaluate planning, delivery and quality of prisoner health services.[53] The report is based on data provided by states and territories.

233. The report found that Indigenous prisoners were more likely than non-Indigenous prisoners to be current smokers (92% compared to 39%) and report risk alcohol consumption (59% compared to 39%). Indigenous prison entrants were more than twice as likely as non-Indigenous prison entrants to report ever having being diagnosed with diabetes (5% compared with 2%).[54]

234. The bulletin, Prisoner health services in Australia 2012[55] provides an overview of health services for prisoners. Most jurisdictions use a mix of directly provided services, community health services and contracted health services. Health services in prison predominantly use a nurse-led care model. In 2012, the most commonly managed problems were medication/vaccination, general health assessments, pathology, psychology/mental health, diabetes, and drug and alcohol treatment.

235. International frameworks and the Australasian Juvenile Justice Administrators – Juvenile Justice Standards (2009) guide health services for children and young people in detention across Australia. They stipulate that services are to optimise the health and wellbeing of children and young people. The Standards recognise the vulnerability of children and young people in detention and are consistent with the UN Rules for the Protection of Juveniles Deprived of their Liberty, the UN Standard Minimum Rules for Non-Custodial measures, and the UN Standard Minimum Rules for the Administration of Juvenile Justice.

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[51] Guidelines available at: http://www.aic.gov.au/media_library/aic/research/corrections/standards/aust-stand_2012.pdf

[52] AIHW, *The* health *of Australia's prisoners 2012*, (Cat. No. PHE170), July 2013, available at: http://www.aihw.gov.au/publication-detail/?id=60129543948 and at Appendix 7.

[53] AIHW, *From corrections to community: a set of indicators of the health of Australia's prisoners*, (Cat. No. AUS 120), October 2009, available at: www.aihw.gov.au/publication-detail/?id=6442468299.

[54] Further information available at: AIHW, *The health of Australia's prisoners 2012*, (Cat. No. PHE170), July 2013, available at: http://www.aihw.gov.au/publication-detail/?id=60129543948.

[55] Australian Institute of Health and Welfare, *Prisoner health services in Australia*, (Cat. No. AUS 183), August 2014, available at: www.aihw.gov.au/publication-detail/?id=60129548273.

Immigration Health Advisory Group

236. People in immigration detention receive health and mental care, at a standard broadly commensurate to that available to the Australian community. Services are provided through onsite health clinics, with referral to specialist and allied health services and hospitals where clinically indicated.

237. In December 2013, the Immigration Health Advisory Group (which replaced the Detention Health Advisory Group), was disbanded and replaced by an Independent Health Advisor (IHA) appointed to advise the Department of Immigration and Border Protection (DIBP) on a range of immigration health issues regarding persons in detention.

238. The IHA draws on the professional and clinical advice of the DIBP's Chief Medical Officer, the contracted health services provider, as well as external health experts in the provision of independent advice. A panel of experts has been established to provide advice to support the IHA.

239. To date, the IHA has provided advice on a range of issues, including: a communicable diseases management framework; mental health screening; health datasets; vector control; and management of obstetric patients. The new arrangements enable the Secretary and DIBP to access high quality health advice in a more agile, timely and effective way, as the need arises.

State and Territory Prison Operations

240. The Australian Government does not own or operate prisons. In Australia, state and territory governments are responsible for managing prisons, including health service delivery. The committee is referred to Appendix 1 for state and territory policies and programing under Concluding Observation 29.

241. Further information on state and territory prison operations can also be found in Chapter 8 of the Productivity Commission's Report on Government Services 2015 and the AIHW Australia's Health 2014 Snapshot – The health of Australian prisoners from incarceration to release, both of which are available online.[56]

Concluding Observation 30 – Mental Health Services

242. The committee is referred to Australia's combined 18th-20th periodic report under CERD, specifically Concluding Observation 20 (Incarceration Rates of Indigenous Peoples and Provision of Adequate Health Care; Addressing Social and Economic Factors Underpinning Indigenous Contact with the Criminal Justice System).

243. The committee is also referred to Appendix 1 for state and territory policies and programing under Concluding Observation 30.

244. There are a number data sources on the prevalence of mental health in Australia, including the 2007 National Survey of Mental Health and Wellbeing; the Mental Health Services in Australia (MHSIA) website; the National Mental Health Report 2013; and the AIHW Prisoner Health Services in Australia 2012 Bulletin. Further information on these data is provided at Appendix 8.

245. Australian governments are committed to mental health reform as a national priority, to reducing the stigma and discrimination in society and significantly reducing suicide rates. Governments are also working to ensure that people affected by mental health issues

[56] Further information available at: http://www.pc.gov.au/research/recurring/report-on-government-services/2015/justice/corrective-services & here http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129547745

and their families have access to appropriate services and supports, stable and safe homes, and are able to participate successfully in education and employment.

246. Australia has had a National Mental Health Policy since 1992, with the most recent update occurring in 2008. The goals of the National Mental Policy are articulated through the National Mental Health Strategy and the National Mental Health Plans. The Commonwealth and state and territory governments are currently working together towards the development of a Fifth National Mental Health Plan.

247. In 2012, the Australian Government established Australia's first National Mental Health Commission. Its role is to provide independent reports and advice to the community and governments about what is working and what's not. The Commission advocates for system improvement and better accountability. In 2012 and 2013, it produced two annual National Report Cards on Mental Health and Suicide Prevention.[57]

248. The Australian Government tasked the Commission to undertake a review of mental health services and programs across federal, state and territory government, private and non-government sectors. Its focus was to assess the efficiency and effectiveness of programs and services that support individuals experiencing mental health issues and their families, and the other support needed to contribute and engage productively in the community. The Australian Government is considering the report's recommendations and will respond to the review after appropriate deliberations.

249. The Australian Government supports people impacted by mental illness through the Targeted Community Care Program, now known as the Community Mental Health activity. This delivers services that complement other government clinical and non-clinical services, and aims to help people with severe mental illness to fully participate in their communities.[58]

250. The National Partnership Agreement Supporting National Mental Health Reform 2011-12 to 2015-16 is providing $199.8 million to states and territories to address major service gaps in public mental health services for people with severe and persistent mental illness. This includes stable accommodation and planning in emergency departments.

Youth Mental Health Services

251. Headspace provides a national coordinated focus on youth mental health and related drug and alcohol problems through a national network of primary health centres. It improves access to appropriate services for young people aged 12 to 25 years and ensures better service coordination.

252. Funding of $294.8 million from 2009-10 to 2014-15 is being provided to expand existing and establish new headspace centres to 90 sites across Australia. Additional funding of $14.9 million over four years will expand the headspace network by 10 centres, bringing the total to 100 across Australia and benefiting up to 80,000 young Australians a year.

253. From June 2014 to June 2016, $186.3 million will also be provided to establish up to nine new early psychosis services, based on the Early Psychosis Prevention and Intervention Centres model which addresses the needs of people aged 15 to 24.

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[57] Report cards available at: www.mentalhealthcommission.gov.au/about-us/our-documents.aspx.

[58] During 2013-14, Community Mental Health activities received total funding of $210 million and supported 166,457 clients, carers or family members to access 519 community mental health support services. These activities aim to improve the capacity of individuals, families and carers who are affected by mental illness to participate socially and economically in their community. Further information is available at: www.dss.gov.au/our-responsibilities/mental-health/programmes-services.

Indigenous Mental Health Services

254. Australia released its first National Aboriginal and Torres Strait Islander Suicide Prevention Strategy in May 2013 following the recommendation of the 2010 Senate Community Affairs Reference Committee that "...the Commonwealth Government develop a separate suicide prevention strategy for Indigenous communities within the National Suicide Prevention Strategy".

255. This strategy encompasses Indigenous peoples' holistic view of mental, physical, cultural and spiritual health. It has an early intervention focus that works to build strong communities through more community-focused and integrated approaches to suicide prevention, and to develop local, culturally appropriate strategies to identify and respond to those most at risk.

256. The Access to Allied Psychological Services program enables GPs to refer consumers to mental health professionals who deliver focused psychological strategies services. These professionals include psychologists, social workers, mental health nurses, occupational therapists and Aboriginal and Torres Strait Islander health workers with specific mental health qualifications.

257. In 2014-15 the Australian Government allocated approximately $6.1 million in Indigenous specific suicide prevention services and activities. The Government has also allocated $40.5 million in funding in 2014-15 for social and emotional wellbeing projects.

258. The Mental Health Services in Rural and Remote Areas program provides more allied and nursing mental health services for these areas by funding non-government organisations such as Aboriginal Medical Services and the Royal Flying Doctor Service. These organisations deliver mental health services by social workers, psychologists, occupational therapists, mental health nurses and Aboriginal mental health workers.

Reducing Incarceration Rates of People with Mental Illness

259. State and territory governments, which have responsibility for the delivery of judicial, policing and corrective services, are addressing this issue through the implementation of diversion and support programs.

260. The link between people with Fetal Alcohol Spectrum Disorders (FASD) and rates of incarceration is recognised by those working in this field. Research undertaken in 2013 shows inter alia "while there are no reliable data on the prevalence of FASD within the Australian justice system, similar issues to those described in North America are likely to also exist within the Australian justice system. Several studies in North America have found poor awareness of the impact of FASD on an individual among justice system professionals, and identified the need for action to improve their ability to identify and work with people with FASD. A study of judges and lawyers in Queensland suggests similar challenges may be faced by the justice system in Australia."[59]

261. This issue is the subject of ongoing work at federal, state and territory levels, noting the significant coordination required to raise awareness of FASD with the wide range of people working in law enforcement and the judicial system.

[59] Mutch, R., Watkins, R., Jones, H. & Bower, C., *Fetal* Alcohol *Spectrum Disorder: Knowledge, attitudes and practice within the Western Australian justice system*. Telethon Institute for Child Health Research, Foundation for Alcohol Research and Education, April 2013, available at: http://alcoholpregnancy.telethonkids.org.au/our-research/research-projects/previous-projects/fasd-and-justice/fetal-alcohol-spectrum-disorders-knowledge,-attitudes-and-practice-within-the-wa-criminal-justice-system/.

Mental Health Care in Prisons

262. Providing psychological services and managing prisoners' stress is guided by the Standard Guidelines for Corrections in Australia (see Concluding Observation 29, above). All jurisdictions offer access to specialist mental health care.

263. The committee is also referred to Australia's combined 18th–20th periodic report under CERD, specifically Concluding Observation 20 (Incarceration Rates of Indigenous Peoples and Provision of Adequate Health Care; Addressing Social and Economic Factors Underpinning Indigenous Contact with the Criminal Justice System).

Concluding Observation 31 – Indigenous Education

264. The committee is referred to Australia's combined 18th–20th periodic report under CERD, specifically Concluding Observation 21 (Preservation of National Languages).

265. The committee is also referred to Appendix 1 for state and territory policies and programing under Concluding Observation 31.

266. Improving school attendance for Indigenous children is a priority for the Australian Government.

267. The Indigenous Advancement Strategy's Children and Schooling Program, which commenced on 1 July 2014, complements a range of state, territory and Australian Government programs to improve the education outcomes and positive development of Indigenous Australians. Effort is focused on increasing:

- Participation and positive learning outcomes in early childhood development, care and education leading to improved school readiness
- School attendance and educational outcomes
- Year 12 attainment and pathways to further training and education
- Course completions in university-level study and
- The capacity of Indigenous families and communities to engage with schools and other education providers

268. The Remote School Attendance Strategy, which started in 2014, is being implemented as a partnership between communities and schools in 73 schools across 69 remote communities. The strategy aims to break the cycle of non-attendance and ensure parents and carers take responsibility for educating their children. It works with schools, families, and community organisations to ensure all children go to school every day. Local, respected community figures are engaged as school attendance supervisors and officers to help children get to school and stay at school.

269. In addition, the Australian Government funds the ABSTUDY scheme which helps secondary and tertiary students from remote areas to access education opportunities if they need to study away from home.

270. The ABS provides population data by age based on population census and school enrolment data from the annual National Schools Statistics Collection.[60]

[60] **Reports available**: www.abs.gov.au/websitedbs/c311215.nsf/web/Aboriginal+and+Torres+Strait+Islander+Peoples+-+Education,+Learning+and+Skills

Early Childhood Education

271. In June 2013, Australian governments agreed to the National Partnership Agreement on Universal Access to Early Childhood Education (2013-2015). This contributed $655.6 million in Commonwealth funding to support universal access to, and improved participation in, quality early childhood education in the year before full-time school. In September 2014, $406 million was allocated nationally to extend the National Partnership for the 2015 School Year. In May 2015, the Australian Government announced a further extension to the partnership, committing $840 million nationally for the 2016-17 school years. The partnership continues to focus on vulnerable and disadvantaged children.

Concluding Observation 32 – Native Title Reform

272. The committee is also referred to Australia's combined 18th–20th periodic report under CERD, specifically Concluding Observation 18 (Legislative reforms to the Native Title Act 1993 (Cth), Burden of Proof and Mechanisms for Effective Consultations with Indigenous Peoples).

273. During 2010 and 2011 the Australian Government made legislative amendments to improve the processes for protecting native title in relation to future acts (acts affecting native title) and governance of the native title system under the Native Title Act 1993 (Native Title Act). In 2010 amendments to the Native Title Act were made to assist the timely construction of public housing, staff housing and a limited class of public facilities for Aboriginal people and Torres Strait Islanders in communities on land subject to native title. The process will operate for 10 years to match the 10 year funding period under current National Partnership Agreements between the Commonwealth and the States and Territories on remote Indigenous housing and remote service delivery. The amendments and Agreement were part of a government response to improve the sub-standard provision of housing and infrastructure in remote Indigenous communities.

274. Following extensive public consultations in 2011, the Australian Government amended the Native Title (Prescribed Bodies Corporate) Regulations 1999 to improve the flexibility and certainty of the governance regime so that native title holders are able to use and maximise their native title rights and engage meaningfully in land management. Native title prescribed body corporates represent the interests of the native title group.

275. During 2013 and 2014 the Australian Government commissioned a number of policy reviews and initiatives considering different aspects of the native title system but with the overall objective of improving efficiency and effectiveness of the native title system.

276. In 2013 the Australian Government established three reviews related to the native title system The Australian Government established the Taxation of Native Title and Traditional Owner Benefits and Governance Working Group to examine existing arrangements for holding, managing and distributing land-related payments, and to identify ways to strengthen governance and promote sustainability. Its particular focus was on the tax treatment of current arrangements and of proposed options for holding, managing and distributing land-related payments. The Working Group provided its recommendations to government in July 2013.

277. A review of the roles and functions of native title organisations (includes prescribed body corporates as above) was also commissioned by the Australian Government to ensure native title organisations meet the future needs of the system, and particularly the needs of native title holders after claims have been resolved. In May 2014 the review was completed and provided to government.

278. In late 2013, the Australian Government directed an independent inquiry by the Australian Law Reform Commission to consider the effectiveness of the Native Title Act in

recognising native title and if any barriers to access to justice were present in processes for recognition in the native title system. The Commission continued its work through 2014 and in April 2015 provided its final report.

279. The Australian Government also effected administrative changes so that responsibility for Indigenous policies, programs and services was transferred to the Department of the Prime Minister and Cabinet from eight existing Australian Government agencies. Bringing these together reflects the high priority the Australian Government has placed on Indigenous affairs and the reform agenda it will deliver to improve outcomes for Aboriginal and Torres Strait Islander peoples.

280. During 2014 the Australian Government established a number of policy initiatives focusing on subjects associated with and impacted by native title, including land management and use, employment and training and socio-economic development. In addition, the Australian Government commissioned two white papers: one on developing northern Australia and another on agricultural competitiveness to promote the long-term economic development of the northern half of the continent. Much of this area of Australia is subject to determination or claim by native title groups.

281. The Australian Government and state and territory ministers responsible for native title also met in August and December 2014 to renew and reinvigorate discussions about the operation of the Native Title Act. Ministers committed to work cooperatively to improve social, cultural and economic outcomes from native title for Indigenous people, landholders and local communities.

282. In October 2014 COAG established an investigation into Indigenous land administration and land use. The investigation is considering how Indigenous land, including native title can be leveraged for Indigenous economic development. The investigation is consulting widely with stakeholders, including Indigenous stakeholders.

Effective Consultation Mechanisms with Indigenous Peoples

283. The Australian Government is committed to working closely with Indigenous communities and consulting with them. It recognises Indigenous people must be able to propose solutions to suit their particular circumstances.

Concluding Observation 33 – Promotion and Protection of Indigenous Culture

284. The committee is referred to Australia's combined 18th-20th periodic report under CERD, specifically Concluding Observation 21 (Preservation of National Languages).

285. The committee is also referred to Appendix 1 for state and territory policies and programing under Concluding Observation 33.

286. The 2011 Census indicated that about 61,000 people speak an Indigenous language. Of these, approximately 19% speak an Australian creole (a combination of English, Indigenous languages and other languages).

287. The Australian Government recognises that arts and languages are essential to the wellbeing, culture and identity of Aboriginal and Torres Strait Islander peoples and play an integral role in maintaining the sustainability, vitality and strength of Indigenous communities and is committed to providing targeted funding through the Indigenous Visual Art Industry Support and Indigenous Languages and Arts programs. The Australian Government continues to support activities in the field of Indigenous languages so that they can be safeguarded and passed on to future generations, preserving this important part of Australia's cultural heritage. To ensure Australia's estimated 250 Indigenous languages are maintained, revived and transmitted for posterity, the government supports community

based activities, language research and the development of language resources by regional language centres and other key advocacy and training organisations across Australia.

Indigenous Language Education in Australian Schools

288. In May 2013, the Australian Curriculum Assessment and Reporting Authority published a draft framework for Aboriginal and Torres Strait Islander languages. This is the first national curriculum document from foundation to Year 10 and provides a way forward for all Australian schools to support the teaching and learning of Indigenous languages.

289. The Australian Government, through the Australian Curriculum and Reporting Authority (ACARA), is developing a framework for Aboriginal Languages and Torres Strait Islander Languages to complement the Australian Curriculum: Languages. Extensive consultation with communities has occurred to ensure that the Framework has the flexibility to support over 250 Indigenous languages. The Framework provides guidance for educators in Australia to support the teaching and learning of Aboriginal languages and Torres Strait Islander languages. It is anticipated that this Framework will be put to the Ministers of Education for endorsement during 2015.[61]

Indigenous Culture

290. Australia's Indigenous arts and cultural sectors are unique creative industries. They enrich Australia's cultural life, make a valuable contribution to the national economy and help promote Australia to international audiences.

291. The Australian Government supports the maintenance, revival and transmission of Indigenous languages and the production and marketing of Indigenous visual art. Funding supports the long-term viability of Indigenous art and language centres, which in turn supports Aboriginal and Torres Strait Islander employment, and the fundamental connection of Indigenous languages and culture to Indigenous health and wellbeing.

292. These programs help the Australian Government's efforts to close the gap in employment outcomes between Indigenous and non-Indigenous people, and promote Aboriginal and Torres Strait Islander wellbeing by strengthening pride in identity and culture through language and art.

Protecting Indigenous Cultural and Traditional Knowledge

293. The Australian Government recognises that arts and languages are essential to the wellbeing, culture and identity of Aboriginal and Torres Strait Islander peoples and play an integral role in maintaining the sustainability, vitality and strength of Indigenous communities and is committed to providing targeted funding through the Indigenous Visual Art Industry Support and Indigenous Languages and Arts programs in the amount of around $40 million per year. The Australian Government continues to support activities in the field of Indigenous languages so that they can continue to be safeguarded and passed on to future generations, preserving this important part of Australia's cultural heritage. To ensure Australia's estimated 250 Indigenous languages are maintained, revived and transmitted for posterity, the Government supports community based activities, language research and the development of language resources by regional language centres and other key advocacy and training organisations across Australia.

294. Australia's intellectual property system protects the knowledge and culture of Indigenous people. Specifically, the Copyright Act 1968 (Cth) protects the original works of all authors, including Indigenous people.

[61] Draft Framework available at www.acara.edu.au/curriculum/learning_areas/languages.html.

295. The Australian Government has practical initiatives on intellectual property to increase peoples' economic participation using the intellectual property system. Indigenous business owners are role models in these public education initiatives that address intellectual property and traditional knowledge and cultural expressions, for example, the Australian Government Dream Shield project.[62]

296. Indigenous businesses in Dream Shield include owners of patent protection for scientific products, traditional knowledge and medicine. These rights are published on the register of patents. Australia's Indigenous arts and cultural sectors are unique creative industries. They enrich Australia's cultural life, make a valuable contribution to the national economy and help promote Australia to international audiences.

Concluding Observation 34 – Human Rights Education

297. The committee is referred to Australia's combined 18th-20th periodic report under CERD, specifically Concluding Observation 27 (Human Rights Education).

298. The committee is also referred to Appendix 1 for state and territory policies and programing under Concluding Observation 34.

299. Human rights education and training is delivered to public service officials, personnel working in immigration detention facilities, police and corrections officers, and members of the judiciary across federal, state and territory jurisdictions.

300. In the public sector, the Australian Government has developed a variety of human rights education resources, including booklets, an e-learning package, a tool kit and guidance materials for professional training, a human rights flowchart, and tools for assessing human rights compatibility of policy and legislation.

301. The AHRC also develops awareness and education programs. For instance, the BackMeUp campaign has been developed for primary and secondary schools, and encourages children to take action to prevent cyber bullying. Another community-wide campaign, Racism. It stops with me, reinforces that racism is unacceptable and empowers individuals and organisations through tools and resources to prevent and respond effectively.[63]

302. Across Australian jurisdictions, police officers undertake various human rights training programs, as well as other components such as use of force and powers of arrest. Corrections officers also participate in human rights training opportunities.

303. The Australian legal system has a significant focus on ensuring availability and knowledge of new laws so that legal professionals such as the judiciary are well informed on voluntary human rights training offered by judicial bodies across all jurisdictions.

304. Universities are subject to national human rights, age, disability, racial and sex discrimination legislation. However, Australian universities are autonomous and determine whether they include human rights studies in their curriculum. A number of Australian universities have human rights centres and institutes.[64]

[62] Further information available at: www.ipaustralia.gov.au/understanding-intellectual-property/ip-for-business/indigenous-business/dream-shield/

[63] Further information is available at: www.humanrights.gov.au/human-rights-education-and-training.

[64] Further information about Australian universities' human rights centres and institutes is provided at Appendix 9.

Concluding Observations 35 and 36 – Additional Ratifications

305. Australia acceded to the Optional Protocol to the Convention on the Rights of Persons with Disabilities on 21 August 2009, which entered into force on 20 September 2009. Australia has received communications under the Optional Protocol and is responding to these in good faith.

306. Australia regards the combination of its strong domestic and international protections already in place to be sufficient and does not intend to sign, accede or become party to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

307. Australia protects the human rights of migrants and temporary entrants under existing domestic and international law, including consistently with the human rights conventions to which Australia is already a party. Australia also recognises the importance of providing legal protections to migrant workers and has recently passed domestic laws to ensure better protection of temporary overseas workers.

308. Australia is concerned about the incompatibility of the Migrant Worker's Convention with domestic migration policies. For example, becoming party to this Convention would require Australia to treat migrant workers and their family members more favourably than other migrants in visa application processes. At times this Convention does not distinguish between those who are working lawfully and those working unlawfully.

309. Australia supports the promotion, protection and progressive realisation of economic, social and cultural rights. It played a constructive role in the working group's discussions and drafting the Optional Protocol for ICESCR to develop a workable instrument that recognises the special characteristics of economic social and cultural rights. The Australian Government will monitor future developments in relation to this Optional Protocol.